

**NOTICE OF FINDING OF NO SIGNIFICANT IMPACT ON THE ENVIRONMENT AND  
NOTICE OF INTENT TO REQUEST A RELEASE OF FUNDS**

May 9, 2013  
Missoula County  
200 West Broadway  
Missoula, MT 59802  
406-258-4657

These notices shall satisfy two separate but related procedural requirements for activities to be undertaken by Missoula County and Missoula Youth Homes, Inc.

**REQUEST FOR THE RELEASE OF FUNDS**

On or before May 28, 2013, the above-named Missoula County will request the Montana Department of Commerce (DOC) to release Community Development Block Grant (CDBG) funds provided under Title I of the Housing and Community Development Act of 1974, as amended (PL 93-383), for the project Youth Homes, Inc., Tom Roy Youth Home. The Tom Roy Youth Home will be rebuilt on the site of the current Tom Roy Youth Home, 2824 West Central, Missoula, as a 10-bedroom residence for troubled youths. The Home will be designed to resemble, as much as possible, a residential home, including areas for the kitchen, dining room, snacking area, living room, television/recreation room and studying areas; as currently, up to eight youths will be in residence at any time.

**FINDING OF NO SIGNIFICANT IMPACT**

Missoula County has determined that such request for release of funds will not constitute an action significantly affecting the quality of the human environment and accordingly the above-named Missoula County has decided not to prepare an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA).

The reasons for the decision not to prepare such statement are as follows: (1) the project replaces an existing structure at the same location, dedicated to the same purpose, and of roughly the same size; (2) discussion with relevant authorities indicates no impact on flora, fauna, water quality, air quality, historic resources, or other aspects of the human environment.

An Environmental Review Record documenting review of all project activities in respect to impacts on the environment has been made by the above-named Missoula County. This Environmental Review Record is on file at the above address and is available for public examination and copying upon request between the hours of 9:30 a.m. and 2:30 p.m. or by appointment.

No further environmental review of such project is proposed to be conducted prior to the request for release of CDBG project funds.

## **PUBLIC COMMENTS**

All interested agencies, groups and persons disagreeing with this decision are invited to submit written comments for consideration by Missoula County to the Department of Grants and Community Programs, 200 West Broadway, Missoula MT 59802, on or before May 24, 2013. All such comments so received will be considered and Missoula County will not request release of funds or take any administrative action on the project prior to the date specified in the preceding sentence.

## **RELEASE OF FUNDS**

Missoula County will undertake the project described above with CDBG funds provided by DOC under Title I of the Housing and Community Development Act of 1974, as amended. Missoula County is certifying to DOC that John Adams, in his official capacity as Environmental Review Grants Administrator, consents to accept the jurisdiction of the Federal courts if an action is brought to enforce responsibilities in relation to environmental reviews, decision-making, and action; and that these responsibilities have been satisfied. The legal effect on the certification is that upon its approval, Missoula County may use the CDBG funds and DOC will have satisfied its responsibilities under the National Environmental Policy Act of 1969.

## **OBJECTIONS TO STATE RELEASE OF FUNDS**

The Department of Commerce will accept an objection to its approval of the release of funds and acceptance of the certification only if it is on one of the following bases: (a) that the certification was not in fact executed by the chief executive officer or other officer approved by the Department of Commerce; (b) that the applicant's environmental review record for the project indicates omission of a required decision, finding, or step applicable to the project in the environmental review process; (c) the grant recipient has committed funds or incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by DOC; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental design. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and may be addressed to: Department of Commerce, Community Development Division, 301 S. Park Avenue, P.O. Box 200523, Helena, Montana 59620. Objections to the release of funds on bases other than those stated above will not be considered by DOC. No objection received after June 13, 2013 will be considered by DOC.

John Adams  
Environmental Review Grants Administrator  
March 7, 2013  
200 West Broadway  
City of Missoula, Missoula County, Montana 59802



Montana Department of Transportation  
PO Box 201001  
Helena, MT 59620-1001

**Memorandum**

To: Lisa Hurley  
Fiscal Programming Section Supervisor

From: Heidi Bruner, P.E.  
Engineering Services Supervisor  
Environmental Services

Date: May 8, 2013

Subject: Categorical Exclusion (C) Determination  
SF 109 – Flasher-N of Lost Trail  
HSIP 7-1(129)4  
Control Number: 7511 000

Environmental Services has reviewed the proposed project and concluded that it will not involve unusual circumstances as described under 23 CFR 771.117(b). As a result, the project qualifies as a Categorical Exclusion under the provisions of 23 CFR 771.117(c), part (8) which describes installation of fencing, sign, pavement markings, small passenger shelters, traffic signals, and railroad warning devices where no substantial land acquisition or traffic disruption will occur.

The proposed project is to provide safety enhancements on US 93 (N-7) by providing upgraded curve warning signs, plaques and chevrons, installing a southbound advance warning flasher at RP 4.5 and upgrading jersey rail at a pullout on US-93 near Lost Trail Pass. The attached PFR/SOW Report provides a location map and a more complete scope of work. This proposed action also qualifies as a Categorical Exclusion under the provisions of ARM 18.2.261 (Sections 75-1-103 and 75-1-201, M.C.A.).

In accordance with the Federal Highway Administration's (FHWA) letter of March 29, 1999, please notify FHWA that the proposed action is being processed in accordance with 23 CFR 771.117(c).

copies: Ed Toavs, District Administrator- Missoula  
Roy Peterson, P.E., Traffic and Safety Engineer  
Gabe Priebe, P.E., Traffic Project Engineer  
Robert Stapley, Right-of-Way Bureau Chief  
Suzy Price, P.E., Contract Plans Bureau chief  
Tom Martin, P.E., Environmental Services Bureau Chief  
Susan Kilcrease, Missoula Project Development Engineer  
Gene Kaufman, P.E., FHWA Operations Engineer  
Tom Erving - Fiscal Programming Section  
Environmental Services Bureau File

e-copy: Montana Legislative Branch Environmental Quality Council





Montana Department of  
**ENVIRONMENTAL QUALITY**

Steve Bullock, Governor  
Tracy Stone-Manning, Director

P. O. Box 200901

Helena, MT 59620-0901

(406) 444-2544

Website: [www.deq.mt.gov](http://www.deq.mt.gov)

**PUBLIC NOTICE NO. MT-13-10**  
**May 13, 2013**

PURPOSE OF PUBLIC NOTICE

The purpose of this notice is to state the Department's intention to issue a wastewater discharge permit to the facility listed in this notice. This permit is issued by the Department under the authority of 75-5-402, Montana Code Annotated (MCA) and the Administrative Rules of Montana 17.30.1001 et seq., Montana Ground Water Pollution Control System (MGWPCS). The Water Protection Bureau has prepared a draft permit for the facility listed below. Copies of the draft permit, statement of basis, and environmental assessment are available upon request from the Water Protection Bureau or on the Department's website [www.deq.mt.gov](http://www.deq.mt.gov)

APPLICANT INFORMATION

APPLICANT:	Grey Rock Development Co., LLC
FACILITY NAME:	Grey Rock Major Subdivision
FACILITY LOCATION:	Grey Rock Road Helena, Montana 59602 Section 18, Township 10 North, Range 2 West Lewis and Clark County
RECEIVING WATER:	Outfall 001: Class I Ground Water
PERMIT NUMBER:	MTX000226

The proposed Montana Ground Water Pollution Control System (MGWPCS) permit authorizes Grey Rock Development Co., LLC to discharge domestic wastewater from the proposed Grey Rock Major Subdivision wastewater treatment system to ground water.

The proposed wastewater treatment system is designed to collect and treat residential strength domestic wastewater. The system includes a Septic Tank Effluent Pump design with each lot having an individual septic tank which drains into a respective pump chamber. The collected waste will undergo advanced nitrogen treatment through the use of two (2) recirculating sand filters. The treated effluent is then pressure-dosed into one of two (2) adjacent subsurface drainfields.

The receiving water for the proposed discharge structure (Outfall 001) is shallow Class I ground water as defined in ARM 17.30.1006(1). Both drainfields associated with Outfall 001 are located along the southern boundary of the Grey Rock Subdivision:

- Southwest ¼ of Section 18, Township 10 North, Range 2 West;
- 46° 37' 11" North Latitude and -111° 54' 41" West Longitude.

#### PUBLIC COMMENT

Public comments are invited ANYTIME PRIOR TO CLOSE OF BUSINESS June 13, 2013.

Comments may be directed to the DEQ Permitting & Compliance Division, Water Protection Bureau, PO Box 200901, Helena, MT 59620. All comments received or postmarked PRIOR TO CLOSE OF BUSINESS June 13, 2013 will be considered in the formulation of final determinations to be imposed on the permit. If you wish to comment electronically, you may e-mail David Dunbar or Barb Sharpe at [WPBPublicNotices@mt.gov](mailto:WPBPublicNotices@mt.gov).

During the public comment period provided by the notice, the Department will accept requests for a public hearing. A request for a public hearing must be in writing and must state the nature of the issue proposed to be raised in the hearing (ARM 17.30.1024).

The Department will respond to all substantive comments and issue a final decision within sixty days of this notice or as soon as possible thereafter. Additional information may be obtained upon request by calling (406) 444-3080 or by writing to the aforementioned address. The complete administrative record, including permit application and other pertinent information, is maintained at the Water Protection Bureau office in Helena and is available for review during business hours.

**PUBLIC NOTICE NO. MT-13-10**

**May 13, 2013**



# Montana Fish, Wildlife & Parks

Wildlife Bureau  
PO Box 200701  
Helena MT 59620-0701  
May 13, 2013

Dear Interested Person:

Montana Fish, Wildlife & Parks is requesting public comment on the proposed Marias River Wildlife Management Area (WMA) Access Settlement, 2013 Nongame Check-off Work Plan, 2013 House Bill 454 Hunting Access Agreement, 2013 Fall Upland Game Bird Quotas and Limits, HD 304 Bighorn Sheep Hunt Closure and the 2013 Wolf Season. Additional information is below including deadlines for public comment.

## **Marias River WMA Access Settlement - Proposed**

The Marias River WMA is nine miles southwest of Shelby along the Marias River in Toole and Pondera counties. It consists of 7,540 deeded acres, 492 leased DNRC acres, and 833 leased BLM acres. The Marias River runs the entire 14-mile length of the property from west to east with wide riparian habitats and associated river breaks, all composed primarily of native habitat. Existing public access is on the north side of the WMA at the McCormick road to a parking area; and on the north-central area at the Zel access. Both access points are to the WMA boundary and do not provide vehicle access to the river bottom.

After FWP acquired the property for \$7.6 million in 2008 it was determined an implied easement was established historically by Charlie Lincoln in 1951 for public hunting to the east via the Lincoln Road. Wanken Farms, however, disputed this as a public road and open access and blocked the road before the property line between Wanken and the WMA. Good faith negotiations in 2010 and 2011 could not resolve the differences between Wanken Farms and FWP.

A lawsuit was filed in 2012 by FWP against Wanken Farms asking for a declaratory judgment identifying public and administrative access on the east of the WMA. Wanken Farms counterclaimed for trespass and abuse of process. A court ordered mediation was held on April 15, 2013. An agreement was negotiated: in return for a transfer of the 360 eastern most acres, Wanken would grant perpetual unlimited administrative access and limited public access across Wanken property. This will provide a southeastern access to the river bottom during hunting season and provide six parking spots, three for overnight. Administrative access on the Lincoln Road is also included with administrative access on the two-track bench roads that traverse the property.

The settlement is contingent upon approval by the Commission and State Land Board. The settlement agreement and map are attached as Appendices I and II.

## **2013 Nongame Check-off Work Plan - Proposed**

Under the provisions of 87-5-122, MCA, "the FWP Commission shall review and annually approve the nongame wildlife program's projects recommended by the department for funding from the nongame wildlife account. The commission shall provide for public comment during the review and approval process." While final 2012 tax year donations are unknown at this time, the average received by FWP from the 2004-2011 tax years was \$27,000/year. (As of March 31, 2013 nearly \$18,000 had been donated for tax year 2012, which is average for this time of year.)

FWP is proposing the following work in FY14 with this anticipated funding:

- \$ 12,000 Inventory, monitoring and conservation work on Montana Species of Concern and species in need of inventory as determined through a formal ranking process.
- \$ 5,000 Prioritize habitat for conservation including: 1) identifying the most critical habitat needs for nongame, threatened or endangered species, 2) identifying and monitoring threats to these critical habitats.
- \$ 5,000 Competitive student stipend for nongame research.
- \$ 3,000 Contribution to ongoing Sylvatic Plague Vaccine research in Montana for black-footed ferret recovery.
- \$ 2,000 Education and outreach efforts to promote nongame wildlife appreciation and conservation.

#### **2013 House Bill 454 Hunting Access Agreement – Proposed**

Under the provisions of 87-2-513 MCA, FWP received the authority to issue either-sex or antlerless elk permits to landowners for management purposes. The landowner must offer free public elk hunting, meet the various conditions of the statute, and enter a contractual public elk hunting access agreement with FWP.

The contract defines the areas open to public elk hunting, the number of elk hunting days that will be allowed on the property, and other factors that FWP and the landowner consider necessary for the proper management of elk on the landowner's property.

The Swanz Hunting Access Agreement specifically states that in return for allowing access to elk hunters, Mr. Swanz, or a family member, would receive one 411-21 either-sex permit. In turn, FWP would issue four additional 411-21 permits from the already randomized list of unsuccessful applicants for that license permit type (LPT). Successful applicants could only hunt on the Swanz deeded property. This agreement was first used in 2002 and has been reapplied annually since then based upon continued positive post-hunt evaluations. The proposed agreement for 2013 represents no change from the 2012 agreement.

#### **2013 Fall Upland Game Bird Quotas and Limits - Proposed**

FWP proposes a permit quota change for the Gallatin County fall turkey hunts. The 375-50 permits would be increased from 10 to 50, while permits for the 375-51 youth hunt would be increased from 2 to 10.

Reflecting the typically static nature of upland bird bag and possession limits as supported by biology and management history, all other upland game bird bag, possession limits and permit quotas are proposed unchanged from 2012 or as otherwise finalized during season structure changes in February 2012. For reference, the 2012 upland bird regulations may be found on the Hunting home page at the [fwp.mt.gov](http://fwp.mt.gov) website.

#### **HD 304 Bighorn Sheep Hunt Closure - Proposed**

The bighorn sheep population in HD304 is experiencing a pneumonia die-off, with a 35 percent decline in the population due to mortalities between mid-February and late March, 2013. Only two mature rams were observed on a recent survey. At this time, the HD304 bighorn sheep population cannot support hunting.



FWP recommends closing the hunting district. Hunting opportunity is very limited and will likely decline further due to additional mortality. Additionally, because the season structure provides an either-sex license, the successful applicant would have the option of harvesting a ewe. In the midst of a die-off, allowing ewe harvest is not biologically justified and is not likely to be viewed favorably by sportsmen and other public.

If this proposed rule is adopted, FWP will contact applicants that have applied for HD 304 and allow them the opportunity to apply for other bighorn sheep hunts.

### **2013 Wolf Season – Proposed**

The following changes from the 2012-13 wolf season are proposed for 2013-14. The archery season is proposed to open on Sept 7 and run through Sept 14. The rifle season is proposed to open on Sept 15 and close on Mar 31. Trapping dates are proposed to remain the same (Dec 15 – Feb 28), and trappers would still be required to have completed the Montana or Idaho Wolf Trapper Education Course. The bag limit is proposed to be 5 wolves per person in any combination of wolves taken by hunting or trapping. WMU 316 north of Yellowstone National Park is proposed to be expanded to include portions of deer/elk HD 313 and would have a quota of 7 wolves. The quota of 2 wolves is proposed to remain in WMU 110 west of Glacier National Park. Hunters would be allowed to take wolves over bait placed for trapping during the wolf trapping season. Trappers would be required to dispatch wolves via gunshot. In Regions 1-5, trappers would be required to set pan tensions on wolf traps to 10 pounds. This standard would minimize the take of lynx, wolverines, and other non-target species.

In addition to the above the Commission asked for input on:

- trappers assisting in response to livestock depredations,
- a hunter or trapper taking only 1 of the 5 wolf bag limit from the quota areas near Glacier and Yellowstone Parks, and
- adjusting slightly the quota area north of Yellowstone National Park.

For reference, the 2012 wolf regulations may be found on the Hunting home page at the [fwp.mt.gov](http://fwp.mt.gov) website.

## COMMENT PERIOD DEADLINES AND FINAL ADOPTION MEETINGS

**The public comment period on the proposed HD 304 Bighorn Sheep Hunt Closure will extend through 5 p.m., Monday, May 27, 2013. Final adoption on this item will be made at the June 5, 2013 Commission meeting.**

**The public comment period on the proposed Marias River WMA Access Settlement, 2013 House Bill 454 Hunting Access Agreement, 2013 House Bill 454 Hunting Access Agreement, 2013 Fall Upland Game Bird Quotas and Limits and the 2013 Wolf Season will extend through 5 p.m., Monday, June 24, 2013. Final adoption on this item will be made at the July 10, 2013 Commission meeting.**

NOTE there are different comment period deadlines for these proposals.

### TO MAKE COMMENT

For further clarification, you may call the Wildlife Bureau office at 406-444-2612. To submit comments electronically, this letter with the imbedded links below can be found under "Opportunity for Public Comment" on the Hunting home page at the fwp.mt.gov website. Written comments can be sent to: FWP – Wildlife Bureau, Attn: Public Comment, POB 200701, Helena MT 59620-0701. NOTE there are different comment period deadlines for these proposals.

#### Imbedded Links to Submit Public Comment

NOTE there are different comment period deadlines for these proposals.

#### **Marias River WMA Access Settlement - Proposed**

*The deadline for public comment on this item is 5:00 PM Monday, June 24, 2013.*

<http://fwp.mt.gov/hunting/publicComments/2013proposedMariasRiverWmaAccess.html>

#### **2013 Nongame Check-off Work Plan - Proposed**

*The deadline for public comment on this item is 5:00 PM Monday, June 24, 2013.*

<http://fwp.mt.gov/hunting/publicComments/2013proposedNongameCheckOffWorkPlan.html>

#### **2013 House Bill 454 Hunting Access Agreement – Proposed**

*The deadline for public comment on this item is 5:00 PM Monday, June 24, 2013.*

<http://fwp.mt.gov/hunting/publicComments/2013proposedHb454HuntingAccessAgreements.html>

#### **2013 Fall Upland Game Bird Quotas and Limits - Proposed**

*The deadline for public comment on this item is 5:00 PM Monday, June 24, 2013.*

<http://fwp.mt.gov/hunting/publicComments/2013proposedFallUgbQuotas.html>

#### **HD 304 Bighorn Sheep Hunt Closure - Proposed**

*The deadline for public comment on this item is 5:00 PM Monday, May 27, 2013.*

<http://fwp.mt.gov/hunting/publicComments/2013proposedHd304SheepHuntClosure.html>

#### **2013 Wolf Season - Proposed**

*The deadline for public comment on this item is 5:00 PM Monday, June 24, 2013.*

[http://fwp.mt.gov/hunting/publicComments/2013\\_14proposedWolfSeason.html](http://fwp.mt.gov/hunting/publicComments/2013_14proposedWolfSeason.html)

## Appendix I Marias River WMA Access Settlement Agreement

### Agreement

This agreement is made and entered into this 15<sup>th</sup> day of April, 2013, by and between State of Montana, Department of Fish, Wildlife and Parks (Plaintiffs) and Wanken Farms, and Troy Wanken (Defendants) following a Settlement Conference with Dennis Lind as Settlement Master.

The parties agree as follows:

1. The parties shall enter into a Road Maintenance Agreement for the road crossing the Wanken property with equal sharing of reasonable maintenance and repair expenses.
2. The Plaintiff shall be granted administrative access through the Wanken property across the access road and the bench or two track roads which traverse the property. Similarly, Defendants shall have access to the Plaintiff's property where appropriate over the bench or two track existing roads.
3. Access to Plaintiff's property shall be granted by Defendants solely for hunting privileges based upon regulations for the Marias River Wildlife Management Area from the beginning of archery season through the end of the big game rifle season. The parties agree that hunting access will be limited to a parking area on Plaintiff's property which restricts parking to 3 day use spots and 3 overnight parking spots for 2 nights via the road traversing Def's property. Plaintiff agrees that there will be no campsites constructed in this locality and open fires shall not be allowed.
4. Plaintiff agrees to deed 360 acres to Wanken Farms as depicted on the attached map and designated by the red boundary line, subject to a reservation easement for access for management purposes on the existing two track road. (See Exhibit "A").
5. The Complaint and Counter Claims shall be dismissed with prejudice.
6. This Agreement is subject to and conditioned upon approval by the FWP Commission and Montana State Land Board.
7. Signs shall be posted that access is limited to permitted hunters only. Gates shall be locked except for hunting season, with dual locks.
8. The Parties agree to enter into a Settlement Agreement and Release of all Claims that memorializes this Settlement Conference Agreement.

/s/Francis E. Wanken, Prez.  
Wanken Farms

/s/Tom Lewis  
Attorney for Wankens

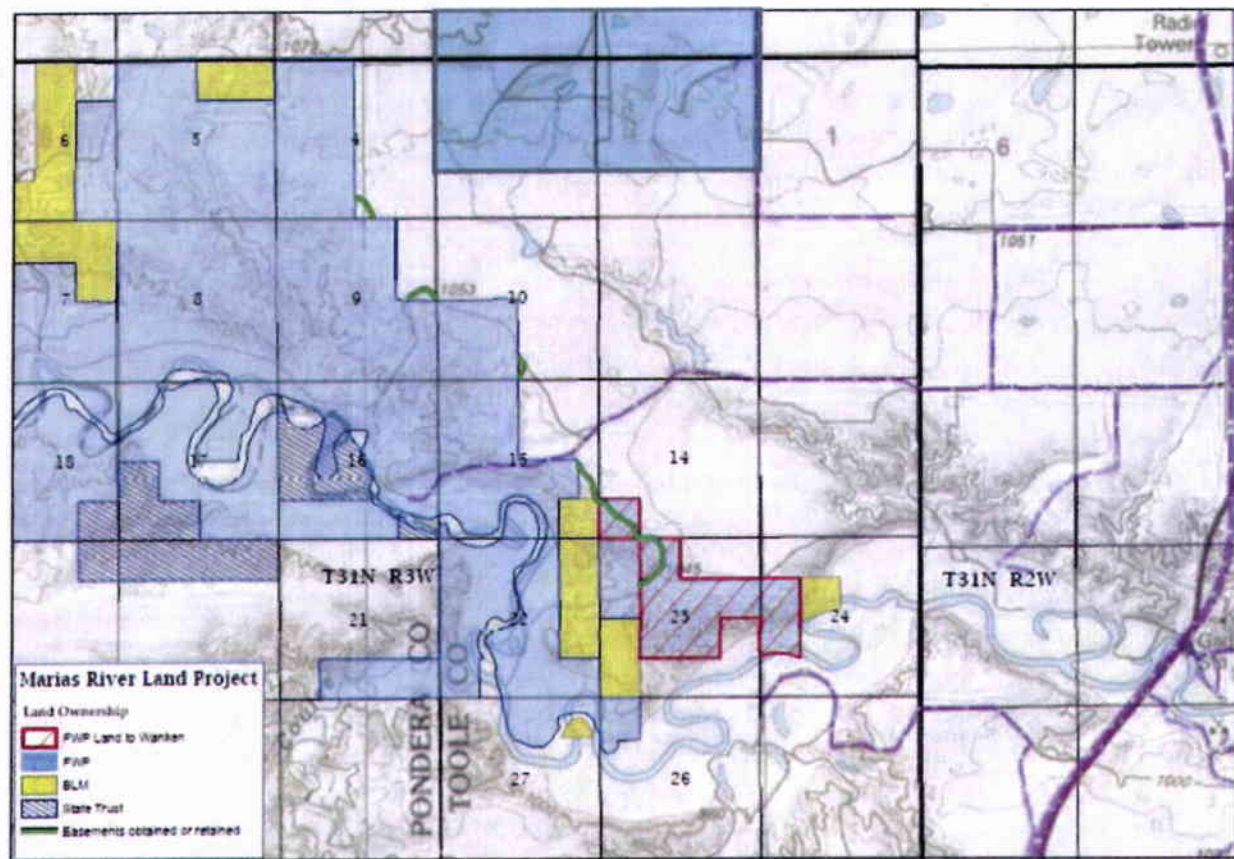
/s/ Gary Bertollotti  
FWP Representative

/s/CJ Johnson  
Attorney for Insurance  
Wankens, Via State Farm

/s/ Troy Wanken  
Troy Wanken

/s/Max Davis  
Attorney for FWP

## Appendix II. Marias River WMA Access Settlement Agreement Map





**Planning Department**  
201 1<sup>st</sup> Avenue East  
Kalispell, MT 59901  
Phone: (406) 758-7940  
Fax: (406) 758-7739  
[www.kalispell.com/planning](http://www.kalispell.com/planning)

May 23, 2013

Montana Env. Quality Council  
Todd Everts, Director  
P.O. Box 201704  
Helena, MT 59620-1704

Dear Mr. Everts:

RE: Tiger Grant Application – Environmental Assessment Consultation

The City of Kalispell as lead agency in concert with the Flathead County Economic Development Authority (FCEDA) are submitting a grant proposal under the TIGER Discretionary Grant Program for the fiscal year 2013. This is part of the National Infrastructure Investments Program as administered by the US Department of Transportation.

This project will effectively transform the previously existing Knife River gravel pit and concrete batch plant into a modern rail-industrial park campus. This project is estimated to cost approximately \$14.5 million and is planned to be constructed over a 24 – 36 month period. A more in depth project description, discussion of historical uses, discussion of environmental concerns and project maps are attached.

For the purposes of this environmental review would you please comment on any impacts both positive and negative, associated with this project within your jurisdictional review. Also, please list conditions that you feel would mitigate any negative impacts or accentuate any positive impacts. If you are aware of other issues of concern associated with this project, comments are also welcome.

Please comment by June 21, 2013 in writing or via email at [tjentz@kalispell.com](mailto:tjentz@kalispell.com). If we have not heard from you by that date, we will assume that your office does not have any concerns. If you need more information, do not hesitate to contact this office immediately.

Sincerely,

Tom Jentz  
Environmental Certifying Officer

Attachments: Project Description  
Project area maps





## KALISPELL/FCEDA RAIL INDUSTRIAL CAMPUS

### DETAILED PROJECT SUMMARY:

The project is a \$14.5M investment in rail, road and utility infrastructure to develop the 40 acre Kalispell/FCEDA Rail Park for tenants, leveraging the area's access to the BNSF rail line, resulting in job creation and the more efficient use of both public and private resources. An \$8.7M investment of TIGER funds in this existing project will leverage \$5.8M in Flathead County Economic Development Authority (FCEDA) funds to develop this recently purchased property. New and relocating businesses from both inside and outside of Montana have expressed an interest in locating in the park to improve efficiencies and cut costs while expanding their rail use. CENEX Grain and Harvest is anticipated to be the first tenant relocating from their downtown Kalispell location.

This Tiger project will include the following categories of work: railroad, roadway, water, sewer, electrical, and gas infrastructure. Following is a more detailed description of the TIGER Project.

Rail work inside the proposed park: Three rail lines will be extended into the proposed rail park all extending from the existing BNSF rail line along the east side of the proposed rail park. The longest rail line would enter on the east side of the park traversing westerly from the existing BNSF line a distance of 2,800 ft. with up to 5 additional parallel sidings for car storage which will add an additional 3,200 ft. of track. Two smaller rail lines will extend from the existing BNSF track on the east side of the park to provide an additional rail siding and to provide for a transload facility adding an additional 3,500 linear feet of track. The total new track in the park is approximately 9,500 linear feet.

Rail work outside the proposed park: Outside of the proposed rail park approximately 6,000 feet of new rail is proposed to be located within the existing BNSF railroad R/W that runs on the east side of the proposed rail park. A new rail line would extend north from the proposed rail park a distance of 2,000 feet and parallel the existing rail line. At the northern end of this run, an existing railroad bridge which extends over the Stillwater River will be reinforced to accommodate the weight of 2 tracks. Additionally, 2 parallel rail lines would be extended south from the proposed rail industrial park along the existing BNSF track a distance of 2,000 feet stopping just short of the existing bridge that traverses over US Highway 2. These two extra parallel lines would allow for additional car storage and provide a train run-around to allow trains to move engines around.

Road work: This task will include permitting, design, bidding and construction for the upgrade of 8,400 feet of roadway within the rail park facility. The planned roadway width is 32 feet with gravel base and asphalt pavement surfacing. Improvements outside of the facility are also proposed including improvement to and installation of a traffic signal light at the intersection of Highway 2 and Montclair Drive to facilitate traffic to and from the site. Approval from the Montana Department of Transportation is required for the intersection and signal work.

Gas and Electric: This task includes installation of electrical and gas service to accommodate each future user of the rail park facility. There is existing electrical and gas infrastructure within close vicinity to the rail park, but it will be required to network throughout the facility.

Sewer services: A lift station will be placed at the intersection of East Oregon Lane and Montclair Drive within existing R/W. Gravity mains will be installed through the center of the rail park facility and along East Oregon Lane and drain to the lift station. The lift station will pump along East Oregon Lane to its connection with the City of Kalispell's existing sewer main. Approximately 3,900 feet of sewer main will be installed.

Water services: Water infrastructure will connect to the existing City of Kalispell water main located south of the rail park. It will travel within existing R/W along East Oregon Lane to its intersection with Montclair Drive, west through the middle of the rail park facility to its intersection with Whitefish Stage Road, and south along Whitefish Stage Road to a point where it will connect back into City of Kalispell water system infrastructure. This will provide a looped system to maximize fire flows. 6,300 feet of water main is planned for installation. In addition, 13 hydrants will be placed on site.

Land Acquisition: There is no land acquisition proposed in this project.

### **LOCATION AND EXISTING LAND USES:**

The site is located in an area of mixed commercial, residential and heavy industrial land uses. Whitefish Stage Road, a minor arterial, marks the western boundary of the proposed rail park. A small stretch of the Stillwater River flows near the northwestern boundary for a distance of 500 feet. Significant industrial uses (Glacier Stone and Klingler Lumber) as well as a BNSF siding form the northern boundary of the proposed rail park. The BNSF Railroad and Flathead Drive, a local county road, form the eastern boundary. Oregon Street forms a portion of the southern boundary. The site is located just outside of the city limits of Kalispell however, FCEDA, as the property owner, has signed a waiver of right to protest annexation and the FCEDA board has agreed to request annexation to the City of Kalispell. The legal description of the site is parcels 1-7 of Certificate of Survey No. 18380 in Section 8, Township 28N, Range 21W, P.M.M., Flathead County, Montana.

The land surface has been dramatically altered by past gravel mining operations over the past 80 years. The site underwent significant restoration work in 2012 as part of the required closing and decommissioning work overseen by the Montana Department of Environmental Quality with the official end of the existing gravel operations at the site. The site currently exists as a flat plain with a hillside rising approximately 40 feet along the south face marking the transition of the end of gravel extraction. No permanent water features are on the site. Unconfined ground water is present at depths of 20 feet below ground surface. Land cover consists of large expanses of exposed gravel and soil which has been seeded to grasses. A BNSF rail line parallels the east side of the site and a spur line extends from east to west on land immediately north of the proposed rail park.



## **HISTORICAL USES:**

First American Title Company has provided a history of the owners and uses of the property involved in this assessment. The property (Tracts 1-7 of COS 18380) was quit claimed to a David McGinnis in 1891 shortly after the patent was recorded. He owned the property until his death, when it was distributed as part of his estate in 1954. During that time frame, there was a recorded lease referring to the "McGinnis Gravel Pit" in 1930. There was also easements recorded in 1915 referencing a mill pond and dam bridge, although it is not clear if the pond and bridge were on this property or an adjacent parcel, and there is no indication of these structures on site today. Subsequent to 1954, there are various documents indicating the continued use of the property as a gravel pit, including an agreement with the state in 1966 for removal of gravel and other material, a transfer of ownership to McElroy and Wilken (a gravel/construction company) in 1983, and that company's merger with JTL construction in 2003.

## **ENVIRONMENTAL CONCERNS:**

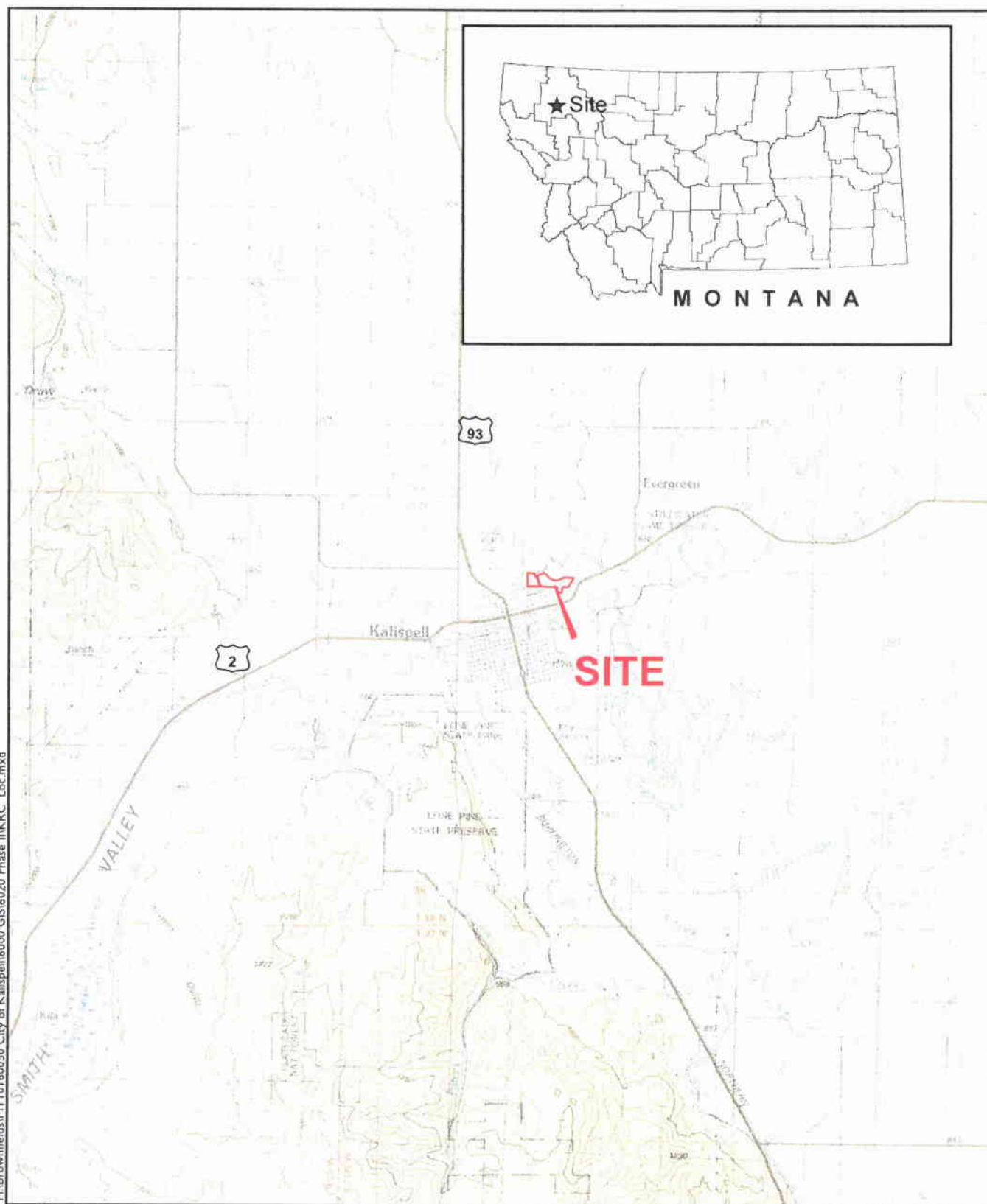
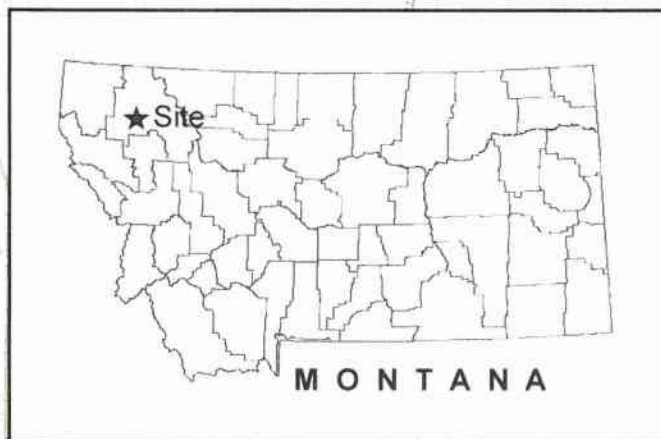
The site abuts the KRY State CECRA (Superfund) Facility in Kalispell. This site is being remediated pursuant to a judicial abatement order under the authority of the CERCA Program. The Montana DEQ issued a Record of Decision (ROD) for the KRY facility in June 2008 (DEQ 2008) which included remedial actions to be undertaken. In October 2009 the DEQ issued a Remedial Action Work Plan (RAWP, DEQ 2009) for the KRY Facility that describes the implementation of the remedy. By October 2010 the DEQ determined that the soil excavation at the KRY site were complete. Contaminated groundwater still exists at the KRY facility and remediation of soil and groundwater is anticipated to continue at the KRY site for several years. Questions or concerns about the remediation process associated with the KRY facility should be directed to Moriah Bucy, of the Montana DEQ.

A Phase I Environmental Site Assessment (ESA) was completed on January 1, 2011 by Knife River, the owner at that time. Subsequent to that a Phase 2 environmental assessment was completed for the site on November 3, 2011. The assessments identified approximately \$28,000 worth of restoration activities that needed to be addressed. Identified issues included:

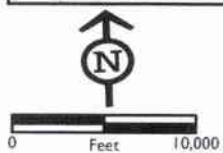
- Petroleum hydrocarbons originating near the onsite truck repair facilities on the west side of the site.
- Sump sediments at the truck repair shop.
- Asbestos and lead based paint associated with on-site buildings remaining of the site after the cessation of gravel processing and extraction.
- Potential ground water contaminates from the adjacent KRY State CECRA (super fund) facility have migrated onto the northeastern corner of the site based on adjacent monitoring well data.

The first three activities were completed prior to FECDA taking ownership in 2012. No cleanup was perused relative to the concerns with the contaminants associated with the adjacent KRY CECRA facility because the remediation of these contaminants on the proposed site are being remediated under the direction of the Montana Department of Environmental Quality (DEQ) in accordance with the Record of Decision for the KRY site.





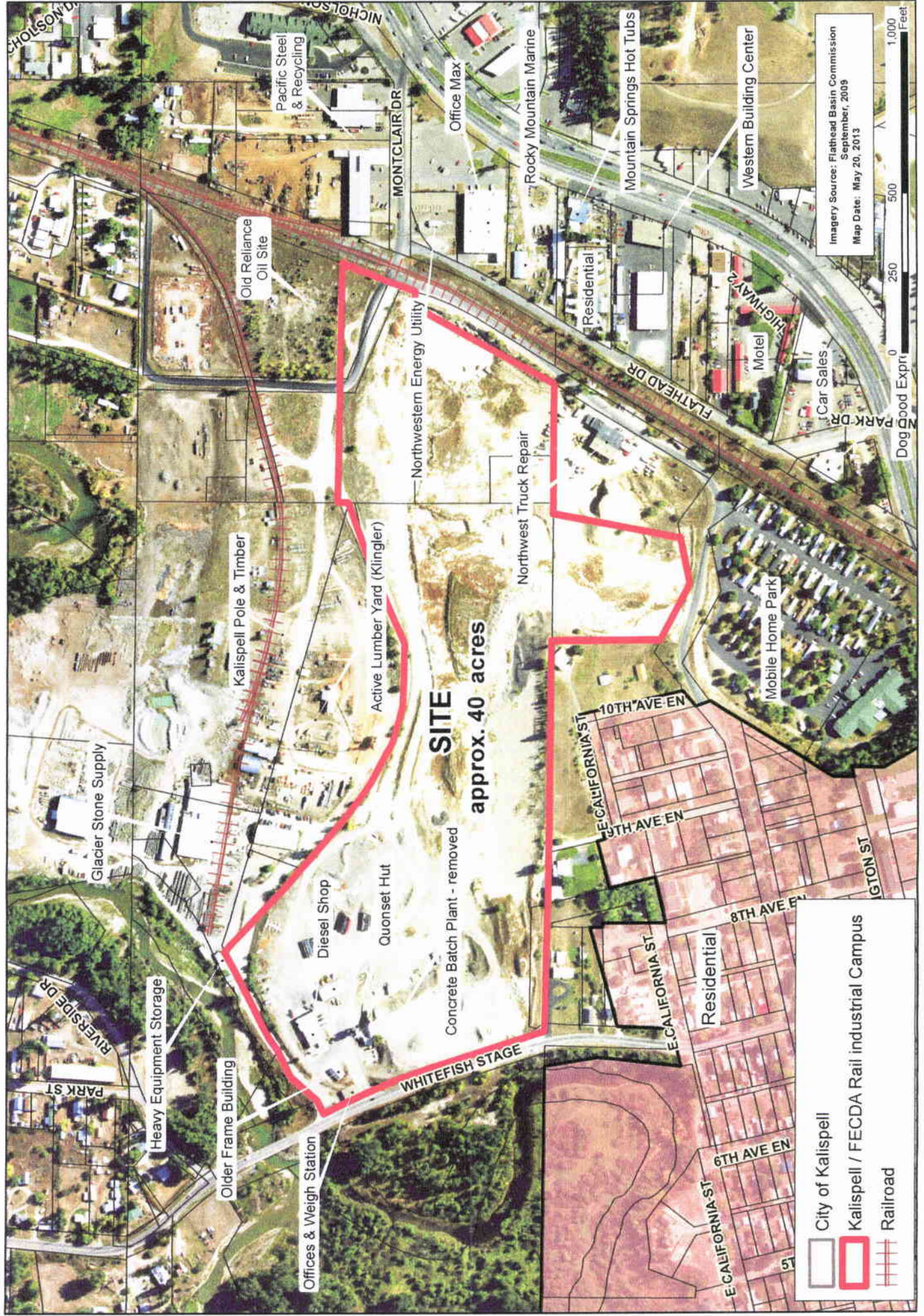
Source: Montana USGS 100K Topographic Map







TIGER - 5 APPLICATION  
Kalispell \ FECDA Rail Industrial Campus - Existing Land Use

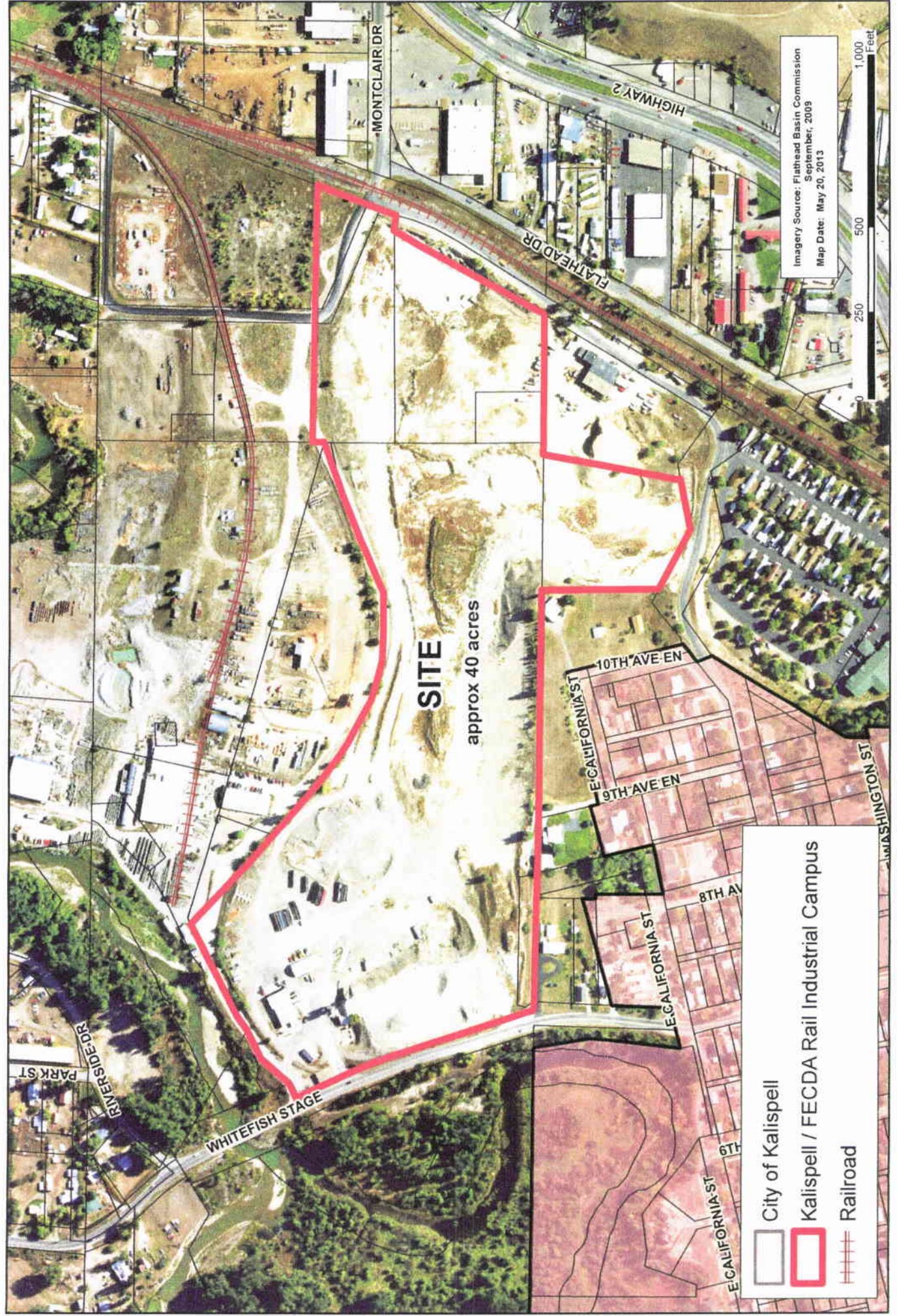








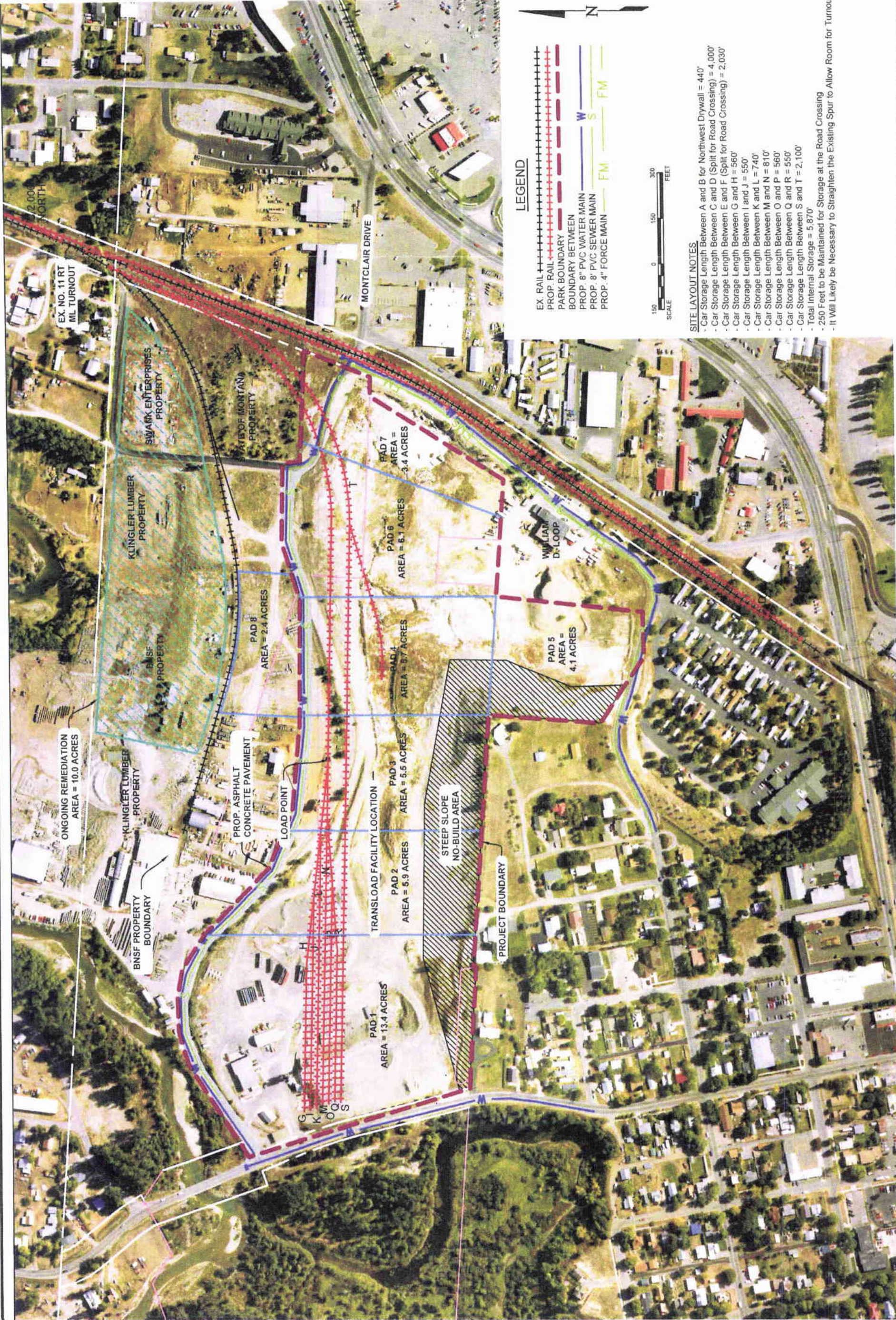
TIGER - 5 APPLICATION  
Kalispell \ FECDA Rail Industrial Campus















130 6TH STREET WEST  
ROOM A  
COLUMBIA FALLS, MT 59912

PHONE (406) 892-4391

FAX (406) 892-4413

May 25, 2013

CTEP Supervisor, CTEP Section  
Montana Department of Transportation  
2701 Prospect Avenue  
PO Box 201001  
Helena, MT 59620-1001

Subject: **Categorical Exclusion Group (c) Action Letter**

Reference: Federal-aid Project Number: NA  
Federal-aid Project Name: 3<sup>rd</sup> Avenue East Path II- Columbia Falls  
MDT Uniform Project Number: CN 8098

Our consulting engineer, Robert Peccia & Associates, Inc., has determined that the proposed project study will not involve unusual circumstances as described in 23 *CFR* 771.117(b). It therefore qualifies as a Categorical Exclusion under the provisions of 23 *CFR* 771.117(c), part (3). The proposed action also qualifies as a Categorical Exclusion under the provisions of *ARM* 18.2.261 (*MCA* Sections 75-1-103 and 75-1-201).

In accordance with FHWA's letter (3/29/99) to MDT's Environmental Services, please notify FHWA that the proposed action is being processed in accordance with 23 *CFR* 771.117(c).

\_\_\_\_\_  
Signature of Environmental Certifying Official or Chief Elected Official

Susan M. Nicosia, City Manager  
Type Name and Title

Concur:

\_\_\_\_\_  
CTEP Engineer

\_\_\_\_\_  
Date

cc: Ed Toavs, MDT, District Administrator – Missoula District  
Bryan Miller, MDT, Consultant Design Engineer  
Tom Martin, MDT, Bureau Chief – Environmental Services Bureau  
David W. Jensen, Supervisor, MDT, Fiscal Planning Administrator  
Michael J. Wherley, MDT, CTEP Section Supervisor  
Todd Everts, Environmental Council  
FHWA – Helena  
Ryan Mitchell, Robert Peccia & Associates, Inc. - Kalispell Office

1. Activities which do not involve or lead directly to construction, such as planning and technical studies; grants for training and research programs; research activities as defined in 23 USC 307; approval of a unified work program and any findings required in the planning process pursuant to 23 USC 134; approval of statewide programs under 23 CFR 630; approval of project concepts under 23 CFR 476; engineering to define the elements of a proposed action or alternatives so that social, economic and environmental effects can be assessed; and federal-aid system revisions which establish classes of highways on the federal-aid highway system.
2. Approval of utility installations along or across a transportation facility.
3. Construction of bicycle and pedestrian lanes, paths and facilities.
4. Activities included in the State's highway safety plan under 23 USC 402 (*section 402 funds are no longer available*).
5. Transfer of Federal lands pursuant to 23 USC 317 when the subsequent action is not an FHWA action.
6. The installation of noise barriers or alterations to existing publicly owned buildings to provide for noise reduction.
7. Landscaping.
8. Installation of fencing, signs, pavement markings, small passenger shelters, traffic signals, and railroad warning devices where no substantial land acquisition or traffic disruption will occur.
9. Emergency repairs under Title 23 USC 125.
10. Acquisition of scenic easements.
11. Determination of payback under 23 CFR 480 for property previously acquired with federal-aid participation.
12. Improvements to existing rest areas and truck weigh stations.
13. Ride share activities.
14. Bus and rail rehabilitation.
15. Alterations to facilities or vehicles in order to make them accessible for elderly and handicapped persons.
16. Program administration, technical assistance activities and operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand.
17. The purchase of vehicles by the applicant where the use of these vehicles can be accommodated by existing facilities or by new facilities which themselves are within a CE.
18. Track and rail bed maintenance and improvements when carried out within the existing right-of-way.
19. Purchase and installation of operating or maintenance equipment to be located within the transit facility and with no significant impacts off the site.
20. Promulgation of rules, regulations and directives.



Montana Department of  
**ENVIRONMENTAL QUALITY**

Steve Bullock, Governor  
Tracy Stone-Manning, Director

P. O. Box 200901

Helena, MT 59620-0901

(406) 444-2544

Website: [www.deq.mt.gov](http://www.deq.mt.gov)

**PUBLIC NOTICE NO. MT-13-12**

**May 28, 2013**

**PURPOSE OF PUBLIC NOTICE**

The purpose of this notice is to state the Department's intention to issue wastewater discharge permits to the facilities listed in this notice. These permits are issued by the Department under the authority of 75-5-402, Montana Code Annotated (MCA); the Administrative Rules of Montana (ARM) 17.30.1301 *et seq.*, Montana Pollutant Discharge Elimination System (MPDES); ARM 17.30.1001 *et seq.*, Montana Ground Water Pollution Control System (MGWPCS); and Sections 402 and 303 of the Federal Clean Water Act. The Water Protection Bureau has prepared draft permits for the facilities listed below. Copies of the draft permits, statements of basis, and environmental assessments are available upon request from the Water Protection Bureau or on the Department's website [www.deq.mt.gov](http://www.deq.mt.gov).

**APPLICANT INFORMATION**

APPLICANT NAME:	City of Glasgow
APPLICANT ADDRESS:	319 3 <sup>rd</sup> Street South Glasgow, MT 59230
APPLICANT STATUS:	MPDES Permit - Renewal
FACILITY LOCATION:	Valley County
PERMIT NUMBER:	MT0021211
EXPIRATION DATE:	Five years after the date of issuance
RECEIVING WATERS:	Milk River

This is a reissuance of the MPDES permit for the City of Glasgow Wastewater Treatment Facility. The Glasgow Wastewater Treatment Facility is a 4-celled, aerated lagoon system that treats domestic wastewater for the City of Glasgow. The facility continuously discharges into the Milk River.

Effluent limits in this permit will be protective of beneficial uses. This permit does not authorize any new or increased discharges subject to the MT Nondegradation rules.

On September 21, 2000, a U.S. District Judge issued an order stating that until all necessary total maximum daily loads under Section 303(d) of the Clean Water Act are established for a particular water quality limited segment, the State is not to issue any new permits or increase permitted discharges under the MPDES program. The order was issued in the lawsuit Friends of the Wild Swan v. U.S. EPA, et al., CV 97-35-M-DWM, District of Montana, Missoula Division.

DEQ finds that renewal of this permit does not conflict with Judge Molloy's Order (CV 97-35-M-DVM) because: 1) it is not a new permit; 2) the actual loads for BOD5, TSS, nitrogen and phosphorus from the City of Glasgow wastewater treatment facility will not exceed the allocated loads.

The proposed permit requires periodic self-monitoring of the discharge quality and quantity with monthly reporting of results. The recommended expiration date for the permit is five years from the date of issuance.

\* \* \* \* \*

#### APPLICANT INFORMATION

APPLICANT: Big Sky Progress, LLC

FACILITY NAME: Lockwood Town Pump Travel Plaza

FACILITY LOCATION: 2711 North Frontage Road  
Billings, Montana 59102  
Section 19, Township 1 North, Range 27 East  
Yellowstone County

RECEIVING WATER: Outfall 001: Class II Ground Water

PERMIT NUMBER: MTX000189

The proposed Montana Ground Water Pollution Control System (MGWPCS) permit authorizes Big Sky Progress, LLC to discharge domestic wastewater from the existing Lockwood Town Pump Travel Plaza wastewater treatment system to ground water.

The wastewater treatment system collects and treats domestic wastewater. Primary treatment includes two (2) septic tanks in series followed by a recirculating sand filter. The treated effluent is then pressure-dosed into an adjacent subsurface drainfield.

The receiving water for the proposed discharge structure (Outfall 001) is shallow Class II ground

water as defined in ARM 17.30.1006. The drainfield associated with Outfall 001 is located:

- Southwest ¼ of Section 19, Township 1 North, Range 27 East;
- 45° 49' 1.9" North Latitude and -108° 24' 56.5" West Longitude.

#### PUBLIC COMMENT

Public comments are invited ANYTIME PRIOR TO CLOSE OF BUSINESS June 28, 2013.

Comments may be directed to the DEQ Permitting & Compliance Division, Water Protection Bureau, PO Box 200901, Helena, MT 59620. All comments received or postmarked PRIOR TO CLOSE OF BUSINESS June 28, 2013 will be considered in the formulation of final determinations to be imposed on the permits. If you wish to comment electronically, you may e-mail David Dunbar or Barb Sharpe at [WPBPublicNotices@mt.gov](mailto:WPBPublicNotices@mt.gov).

During the public comment period provided by the notice, the Department will accept requests for a public hearing. A request for a public hearing must be in writing and must state the nature of the issue proposed to be raised in the hearing (ARM 17.30.1373 and 17.30.1024).

The Department will respond to all substantive comments and issue a final decision within sixty days of this notice or as soon as possible thereafter. Additional information may be obtained upon request by calling (406) 444-3080 or by writing to the aforementioned address. The complete administrative record, including permit application and other pertinent information, is maintained at the Water Protection Bureau office in Helena and is available for review during business hours.

PUBLIC NOTICE NO. MT-13-12

May 28, 2013





*Environmental Services*  
MONTANA DEPARTMENT OF TRANSPORTATION  
Helena, Montana 59620

**Memorandum**

To: Lisa Hurley, Supervisor  
Fiscal Programming Section

From: Heidi Bruner, P.E.  
Engineering Section Supervisor  
Environmental Services Bureau

Date: June 6, 2013

Subject: Categorical Exclusion (c) for Ridesharing Activities  
SFY 2014 - Missoula Ravalli Transportation Management Association  
CM STWD (216)  
CN 4769 009

Environmental Services Bureau reviewed the May 20, 2013, new programming request memorandum from Audrey Allums, Grants Bureau Chief of the Multimodal Planning. We conclude that, as in past years, the proposed rideshare activities will not involve unusual circumstances as described under 23 CFR 771.117(b). The project will continue to qualify as a Categorical Exclusion under the provisions of 23 CFR 771.117(c), part (13). The proposed action also qualifies as a Categorical Exclusion under the provisions of ARM 18.2.261 (Sections 75-1-103 and 75-1-201, MCA).

In accordance with the Federal Highway Administration (FHWA) letter of March 29, 1999, please notify FHWA that the proposed action is being processed in accordance with 23 CFR 771.117(c). If you have any questions or concerns, please contact me at 444.7203. I will be pleased to assist you.

copies: Tom S. Martin, P.E. MDT Environmental Services  
Paul Johnson MDT Planning  
Audrey Allums MDT Planning  
Steven J. Potuzak MDT Planning  
Nicole Pallister Fiscal Programming  
FHWA  
Statewide Misc. File  
Montana Legislative Branch Environmental Quality Council



**Bruner, Heidi**

---

**From:** Potuzak, Steven  
**Sent:** Tuesday, May 21, 2013 3:44 PM  
**To:** Bruner, Heidi  
**Cc:** Jacobs, David; Romero, Eric  
**Subject:** MRTMA CMAQ SFY 2014  
**Attachments:** MRTMA CMAQ SFY 2014.PDF

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged  
**Expires:** Sunday, November 17, 2013 12:00 AM

Heidy,


It's time again to ask you for environmental approval of the MRTMA CMAQ 2014 project. Thank you.



Montana Department of Transportation  
PO Box 201001  
Helena, MT 59620-1001

**Memorandum**

To: Fiscal Programming Section

From: Audrey Allums, Grants Bureau Chief 

Date: May 20, 2013

Subject: SFY 2014 Missoula/Ravalli TMA  
CM STWD (216) UPN: 4769009

This is a request for a new program for the subject project. The new project will allow continuation of programs and services by the Missoula/Ravalli Transportation Management Association (MRTMA). The new program will provide funding for SFY 2014 in the amount of \$101,200. The pro-rata share will be 80/20 with the required local match of \$20,240.00 and the federal participation being \$80,960.00. These amounts reflect the 9.12% indirect cost rate. The Transit Section of the Rail, Transit & Planning Division will continue to administer the agreement.

The project is listed in the Missoula FFY 2011-2015 TIP (page 17 Congestion Mitigation and Air Quality).

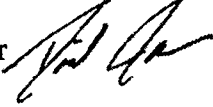
When you make distribution of the new program documents please include Audrey Allums, Grants Bureau Chief, on the distribution list. If you have any questions please contact Audrey Allums at 444-4210.

copies: Paul Johnson  
Eric Romero  
Project File

Montana Department of Transportation  
Helena, Montana 59620-1001

**Memorandum:**

To: Heidi Bruner  
Environmental Engineering Section Supervisor

From: David Jacobs, Supervisor   
Transit Section

Date: May 21, 2013

Subject: CM STWD (216) #4769  
SFY2014 – Missoula Ravalli TMA  
Request for Environmental Document Assistance/Preparation

We are requesting your assistance in preparing an environmental document for the subject project as outlined in the FFY 2011-2015 TIP (page 17 Congestion Mitigation and Air Quality). Your staff has prepared a categorical exclusion document for similar projects in the past for this program. Please note that the project number will be CM STWD (216).

A copy of the new program request from Audrey is attached describing the activities to be completed in the 7/1/2013-6/30/2014 timeframe. This is provided for your use in completing the environmental document. The activities included in this agreement are a continuation of prior years. No new activities have been added. A copy of the memo regarding the Categorical Exclusion for the FFY 2013 agreement is also attached for your convenience. We would appreciate a response by June 5, 2013.

If you have any questions or need additional information or if you are unable to meet the requested response date, please contact me or Steven Potuzak in the Transit Section.

Thank you for your assistance.

**Attachments**

Copy: 2014 MRTMA CMAQ File  
David Jacobs  
Eric Romero



Montana Department of Transportation

2701 Prospect Avenue  
PO Box 201001  
Helena, MT 59620-1001

Montana Department of Transportation  
Office of Planning and Grants

June 6, 2013

Brian Hasselbach  
Federal Highway Administration (FHWA)  
585 Shepard Way  
Helena, MT 59601

Subject: CM 8199(115)  
2012/2013 – Missoula TDM Project  
Control Number: 3679

Dear Brian Hasselbach:

This letter is a notification that this proposed project qualifies as a Categorical Exclusion under the provisions of 23 CFR 771.117(c), part (16). This proposed action also qualifies as a Categorical Exclusion under the provisions of ARM 18.2.261 (Sections 75-1-103 and 75-1-201, MCA).

In order to increase public awareness and use of transportation options and help to curb the anticipated increase in single occupant vehicle miles traveled (VMT) in the Missoula Urban area, the Transportation Technical Advisory Committee formed a Transportation Demand Management (TDM) subcommittee, now known as "Missoula In Motion". "Missoula In Motion" work is funded with Congestion Mitigation Air Quality Funds. Several local organizations provide cash and in-kind services that surpass the necessary match requirements. The Senior Planner at the Office of Planning and Grants serves as the Project Manager.

This TDM project began in 1997. Phase I was designed to test several different types of TDM strategies to determine which work best in Missoula. Over the next two years, "Missoula In Motion" piloted several projects focusing primarily on employer outreach. In June 1999, "Missoula In Motion" began Phase II, which expanded employer outreach efforts and widened the focus to include public education and marketing, a working resource center, and several community-based TDM projects. Throughout this second phase, "Missoula In Motion" has expanded the program to encompass more segments of the Missoula community. In Phase III, which began in 2004, "Missoula In Motion" is working to institutionalize TDM efforts within the community.

The work plan for the Fiscal Year 2013/2014 of Phase III incorporates a five-prong approach to introducing and implementing TDM activities in Missoula:

1. Work with employers to establish and maintain programs that reduce work-related trips;
2. Create and implement a broad-based public education campaign to reduce vehicle miles traveled;
3. Provide, enhance and market TDM services which give Missoulians options to driving alone;
4. Provide incentives and educational events that encourage commuters to utilize transportation options; and
5. Evaluate the program to determine its impact and ensure that resources are being used effectively.

This proposed project is located in an area that is currently classified as "nonattainment" for particulate matter with aerodynamic diameter less than 10 microns (PM10) and formerly classified as "nonattainment for carbon monoxide (CO) under 40 CFR 81.327, as amended. However, this type of proposed project is listed in the US Environmental Protection Agency's Final Rule of November 24, 1993 on Air Quality conformity as being exempt from the requirement of a conformity determination. Therefore, this proposed project complies with Section 176(c) of the Clean Air Act as amended (42 U.S.C. 7521(a)).

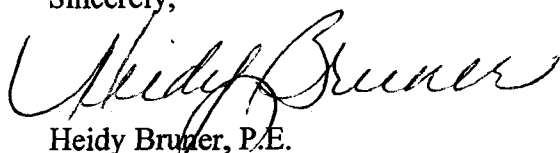
This project will not encounter or generate hazardous waste. No cultural resources, biological resources, threatened or endangered species, wetlands, or prime farmlands will be affected by this project.

A news release describing this proposed project will be issued to the local news media to inform the public of the continuing program.

This project will not induce significant land use changes or promote unplanned growth. There will be no significant affects on access to adjacent properties or present traffic pattern. This project will not create disproportionately high and adverse human health or environmental effects on minority and low-income populations (EO 12898) and complies with Title VI of the Civil Rights Act of 1964 (42 USC 2000d). In accordance with 23 CFR 771.117(a), this action will neither individually nor cumulatively, have any significant environmental impacts.

If you have any questions, please phone me at 406.444.7203. I will be pleased to assist you.

Sincerely,



Heidi Bruner, P.E.  
Engineering Section Supervisor  
Environmental Services

Attachment

copies: Ed Toavs - Missoula District Administrator  
Lisa Hurley, Supervisor - Fiscal Programming Section  
Carol Strizich, Supervisor - Statewide & Urban Planning Section  
Kenn Winegar, Urban Planning Section  
Tom Martin, P.E. - Environmental Services Bureau Chief  
Susan Kilcrease - Environmental Services Project Development Engineer  
Heidi Bruner, P.E. - Environmental Services Engineering Section Supervisor  
Gene Kaufman - FHWA

File

PROJECT NUMBER: CM 8199(115)

UPN 3679  
CFDA 20.205

2013/2014 - MISSOULA TDM PLANNING

This Agreement is entered into between the Montana Department of Transportation (MDT), the Missoula Office of Planning and Grants ("Grantee or M.O.P.G."), and the City of Missoula ("Grantee or "City").

WHEREAS, MDT, and the Grantees recognize the need to improve air quality and reduce traffic congestion in the Missoula Metropolitan area, and

WHEREAS, it is to the advantage of MDT, and the Grantees to coordinate their efforts through a cooperative agreement for the administration and distribution of federal Congestion and Mitigation (CMAQ) funding in order to address this need, and

WHEREAS, as established under the 1991 Intermodal Surface Transportation Efficiency Act (ISTEA), as continued under the 1998 Transportation Equity Act for the 21<sup>st</sup> Century (TEA 21), as extended by the Surface Transportation Act of 2003 (STEA03), as amended by the Surface Transportation Act of 2004 (STEA04), as further amended by the Surface Transportation Act of 2004, Part II (STEA04, Part II) and continued under SAFETEA-LU and its extensions, now will be under MAP-21 the purpose of the program is to fund transportation projects or programs that will contribute to attainment of national ambient air quality standards (NAAQS); and

WHEREAS, Transportation Control Measures (TCMs) included in Section 108(f) (1) (A) of the Clean Air Act Amendments (CAAA) of 1990 are the kinds of projects intended by ISTEA, TEA-21 and SAFETEA-LU for CMAQ funding, and generally fulfill the eligibility criteria. Eligible TCMs for Travel Demand Management (TDM) programs outlined include:

- (i) Programs for improved public transit.
- (iii) Employer-based transportation management plans, including incentives.
- (vi) Fringe and transportation corridor parking facilities serving multiple-occupancy vehicle programs or transit service
- (viii) Programs for the provision of all forms of high-occupancy, shared-ride services.
- (xiv) Programs and ordinances to facilitate non-automobile travel, provision and utilization of mass transit, and to generally reduce the need for single-occupant vehicle travel, as part of transportation planning and development efforts of a locality, including programs and ordinances applicable to new shopping centers, special events, and other centers of vehicle activity.

NOW, THEREFORE, in consideration of the mutual covenants herein provided, it is agreed that:

**I. MDT will:**

1. Make payment to the Grantees based on budget numbers as follows: Total FY 13/14 Project costs - \$175,000; Eligible Direct costs = \$160,374; Maximum MDT reimbursement = \$138,851.81. MDT will pay to the Grantees on a cost reimbursement basis 86.58% of the actual eligible direct costs incurred in the performance of programs and projects identified in this agreement. Reimbursement will not exceed a total of \$138,851.81.
2. Make payment to the Grantees within 30 days of receipt of a billing statement.
3. Bill Grantees for indirect costs (IDC) on local match as per Section III, #3 below..

**II. The Grantees will:**

1. Submit progress information on an ongoing basis and a final activity report. This final report will be submitted to the MDT Statewide & Urban Planning Section along with the final billing for this contract. Final billing by the Grantees for the project will be submitted within 45 days of the contract completion.
2. Submit claims/bills for payment for interim costs of all completed phases of work directly to Supervisor, Statewide & Urban Planning Section, Department of Transportation, 2701 Prospect Avenue, P. O. Box 201001, Helena, Montana 59620-1001. Interim claims/bills may be submitted as often as monthly, but must be submitted at least once per quarter. All costs billed will be actual and supported by an acceptable BARS accounting as provided under §2-7-504, MCA.
3. Be fully responsible for all project costs exceeding \$175,000.
4. Implement the work under this Agreement as detailed in Exhibit "I" attached hereto, and by this reference made a part of this Agreement.
5. Let and administer any contracts required, in accordance with acceptable bidding procedures as provided for in §7-5-2301, et.seq. MCA. Those procedures will include the incorporation of all nondiscrimination provisions (as more fully set forth in Exhibit "II", attached to this agreement), the use of wage rate requirements found at §18-2-401, MCA, et seq. for all agreement-related contracts, and Grantee's enforcement of those provisions and requirements.



Obtain from its third party contractors certifications if required by Department of Transportation regulations, 2 CFR Part 1200 and 2 CFR part 180, subpart C related to debarment and suspension.

6. Agree to provide the State, Legislative Auditor or their authorized agents access to any records necessary to determine compliance with this Agreement. The Grantee agrees to create and retain records supporting this Agreement for a period of three years after the completion date of this Agreement or the conclusion of any claim, litigation, or exception relating to this Agreement taken by the State of Montana or a third party.
7. Maintain all facilities/equipment built or purchased through this agreement in good repair and condition.
8. Pursue the project and programs in this agreement in accordance with all applicable federal, Montana and local laws, regulations, rules and ordinances.
9. With direction from MDT, through the effort of the M.O.P.G. Transportation Planner, implement the described air quality projects and programs.
10. Provide a current copy of the Grantee's workers compensation coverage certificate and liability insurance to be attached to the contract prior to beginning work.
11. M.O.P.G./City will require during the performance of any work arising out of this agreement, that the agreement, for itself, its assignees and successors shall comply with all nondiscrimination regulations as more fully stated in the attached Exhibit II, which is incorporated herein by this reference.
12. Pay for MDT's indirect costs as provided in Section III.3.

**III. It is further understood and agreed between the parties that:**

1. This Agreement is valid from July 1, 2013 through June 30, 2014. This agreement can be modified only by written amendment, signed and dated by all agencies involved.
2. Total costs for this project are \$175,000, including indirect costs based on the estimated rate of 9.12% for the period July 1, 2013 through June 30, 2014
3. Section 17-1-106, MCA, requires any state agency, including MDT which receives non-general funds to identify and recover its indirect costs. These costs are in addition to direct project costs. MDT's indirect cost rate is determined annually as a percentage of the project's direct costs to cover the project's share of MDT's indirect costs as defined by 2 CFR Part 225 (formerly OMB Circular A-87). MDT's approved rate for fiscal year 2014 (July 1, 2013 to June 30, 2014) is 9.12%.

For this project, indirect costs will be charged to the federal CMAQ funding and the required local match. MDT will bill the Grantees the indirect costs applicable to the local match. If the invoice is not paid within 30 days, MDT will charge interest at 10% per annum on any unpaid balance after the due date. [Note: if this project extends across more than one fiscal year, more than one annual rate will be involved, as the rates may change during the life of the project.]

4. The parties may mutually terminate this Agreement in writing at any time. MDT, at its sole discretion, may terminate or reduce the scope of the Agreement if available funding is reduced for any reason. MDT may terminate this Agreement in whole or in part at any time the Grantee fails to perform the Agreement terms as set forth. In the event this Agreement is terminated, the Grantee will not be reimbursed for any costs that may be incurred after the date of termination.
5. The Grantee is not obligated to spend the total funds requested to complete the programs and projects stated herein. If some of the requested funds are not spent, the balance will not be paid to the Grantee.
6. Grantee contact person shall be the Senior Transportation Planner, Missoula Office of Planning Grants, 435 Ryman, Missoula MT 59802. MDT's contact person shall be the Supervisor, Statewide & Urban Planning Section, Department of Transportation, 2701 Prospect Avenue, Helena, MT 59620-0001.
7. All information generated as a result of this agreement will be made available to MDT and may not be copyrighted except with prior written approval by MDT. Except for possible copyrighting, the Grantees and MDT are free to use the data and results without restriction.
8. MDT agrees to indemnify and save the Grantees, its elected and appointed officials, agents, and employees, while acting within the scope of their duties as such, harmless from and against all claims, demands, and causes of action of any kind or character, arising in favor of MDT's employees or third parties on account of bodily or personal injuries, death, or damage to property arising out of services performed or omissions of services by MDT and/or its agents, employees, subcontractors, or representatives, under this Agreement.
9. The CITY agrees to indemnify and save MDT, its elected and appointed officials, agents, and employees, while acting within the scope of their duties as such, harmless from and against all claims, demands, and causes of action of any kind or character, arising in favor of CITY'S employees or third parties on account of bodily or personal injuries, death, or damage to property arising out of services performed or omissions of services by CITY, M.O.P.G. and/or its agents, employees, subcontractors, or representatives, under this Agreement.
10. This Agreement is within the general compliance of the laws of the State of Montana. In the event of litigation concerning the terms of this agreement, venue will only be in the

First Judicial District in and for the City of Lewis and Clark, Montana. This agreement will be interpreted according to Montana law

11. If any single part or parts of this Agreement are determined to be void, the remaining parts will remain valid and operative. This Agreement, as written, expresses the total, final and only agreement of the parties relevant to its subject matter. No provision expressed or implied, arising from any prior oral or written request, bid, inquiry, negotiation, contract, or any other form of communication shall be a provision of the Agreement unless specifically provided within the written terms herein.
12. Debarment and Suspension (E.O.s 12549 and 12689) - No contract shall be made to parties listed on the General Services Administration's List of Parties Excluded from Federal Procurement or Nonprocurement Programs in accordance with E.O.s 12549 and 12689, "Debarment and Suspension." This list contains the names of parties debarred, suspended, or otherwise excluded by agencies, and contractors declared ineligible under statutory or regulatory authority other than E.O. 12549. Contractors with awards that exceed the small purchase threshold shall provide the required certification regarding its exclusion status and that of its principal employees.
13. The Grantee shall perform an audit in compliance with the Single Audit Act Amendments of 1996, 31 U.S.C. 7501 et seq. and OMB Circular No. A-133, "Audits of State and Local governments and Non-Profit Organizations." The Grantee will provide the MDT Statewide and Urban Planning Section with a copy of the audit report for each fiscal year FHWA funds are received by the Grantee.

IN WITNESS WHEREOF, the Director of the Montana Department of Transportation or his authorized representative, the Board of City Commissioners of Missoula City, and the Director of M.O.P.G. have hereunto signed their names.

**Missoula Office of Planning & Grants**

\_\_\_\_\_, 2013  
Mike Barton, Director

**Board of City Commissioners**

\_\_\_\_\_, 2013  
Bill Carey, Chair

\_\_\_\_\_, 2013  
Michele Landquist, Commissioner

\_\_\_\_\_, 2013  
Jean Curtiss, Commissioner

\_\_\_\_\_  
Deputy City Attorney  
Approved for legal content

ATTEST:  
\_\_\_\_\_  
Clerk and Recorder

**Montana Department of Transportation**

\_\_\_\_\_, 2013  
Lynn Zanto, Administrator  
Rail, Transit and Planning Division

\_\_\_\_\_  
Approved for Legal Content

\_\_\_\_\_  
Approved for Civil Rights Content

# **Missoula in Motion**

## **EXHIBIT I**

### **The Transportation Demand Management Program for the Missoula Urban Area**

#### ***City Fiscal Year 2013 (July 1, 2012- June 30, 2013)***

Missoula In Motion's mission is to increase the usage of sustainable transportation; car/vanpooling, biking, walking and transit, in the Missoula area through the development, implementation and promotion of sustainable transportation programs and services and to reduce traffic congestion and harmful greenhouse gas emissions.

The number of miles driven in Missoula has increased each year, with corresponding effects on traffic congestion and air quality. To increase public awareness, the use of transportation options and to curb the increase of single occupant vehicle miles traveled (VMT), the Transportation Technical Advisory Committee formed a Transportation Demand Management (TDM) program, known as Missoula In Motion (MIM). MIM's work is funded with Congestion Mitigation Air Quality Funds. Several local organizations provide cash and in-kind services that surpass the necessary match requirements. The Senior Planner at the Office of Planning and Grants (OPG) serves as the Manager for Transportation within OPG.

This project began in 1997. Phase I tested several different types of TDM strategies to determine which work best in Missoula. Over the next two years, MIM piloted several projects focusing primarily on employer outreach. In June 1999, MIM began Phase II, which expanded employer outreach efforts and widened the focus to include public education and marketing, a working resource center, and several community-based TDM projects. Throughout Phase II, MIM expanded the program to encompass more segments of the Missoula community. Phase III began in 2004 and continues today. MIM is institutionalizing TDM efforts within the community.

This work plan initiates Fiscal Year 2013, of Phase III of Missoula's Transportation Demand Management Program, which will be referred to as "FY13." FY13 contract year covers the time period from July 1, 2012 – June 30, 2013. The budget narrative described below for this grant incorporates the suggestions from the 2011-2012, MIM Program Analysis (a complete report is on file with MIM). Overall the program review found MIM to be a healthy and well-managed program. Ten recommendations offered in the report are provided to improve the effectiveness and the long term success of the MIM program:

1. Improve program measurement and reporting
2. Move from mass marketing to tailored and individualized marketing
3. Diversify program funding
4. Expand program offerings
5. Offer employer services in a menu format
6. Incentivize employer contacts
7. Conduct market research
8. Improve MIM Web Site
9. Create and facilitate a Transportation Round Table



10. Find a new organizer for Sunday Streets

The work plan described herein is organized into the following sections, following the format of the proposed budget:

<u>SECTION</u>	<u>PAGE</u>
A. Personnel	2
B. Operations	2
C. Program Activities	3
D. Indirect Costs	6
E. Budget for FY13	separate attachment

**A. PERSONNEL**

The Missoula Office of Planning and Grants (OPG) employs the staff for MIM. OPG provides accounting, operating assistance and personnel administration, allowing MIM staff to focus on program activities.

In FY13, MIM will pay for the following positions:

Program Supervisor is a full-time employee whose role is to oversee the activities in MIM's work plan. This position develops and manages the program budget, designs new programs, directs marketing efforts, develops evaluation tools, reports performance measures, coordinates outreach, TDM education, and all other program activities.

Program Specialist is a full-time employee whose job is to market and promote TDM services and programs and to develop and manage media efforts.

Program Assistant is a 32 hours per week employee whose job is to assist with incentive programs and educational events that encourage citizens to utilize transportation options and performs related work as required or directed.

Administrative Assistant is a 32 hours per week employee. This person manages data from incentive programs and assists with implementing all tasks associated with MIM's outreach programs.

**Total Personnel Costs: \$94,174.00 is allocated to provide wages and fringe benefits.**

**B. OPERATIONS**

Expenses related to the program's overall operations and paid by MIM are outlined below. Some changes to this category have been made for administrative purposes: rent and utilities are listed separately as are training and mileage, office supplies, phone access, wireless internet, postage, web maintenance and technology have been added to this category and removed from program activities.

Office Supplies: \$367.03

Outreach efforts require copying costs and supplies. These costs directly support program activities by providing such items as information packets, payroll stuffers, and event flyers.

Postage: \$360.00

The program offers incentives to people who participate in the Way To Go! Club. Delivering these incentives requires funds for postage. In addition to mailing incentives, other postage costs related to the program include mailings like the newsletter and invitations to educational events.

Wireless Internet: \$224.00

This cost directly support program activities by providing wifi access for meetings, educational presentations, and webinars within the office

Utilities: \$1,099.70

Phone Access: \$927.30  
Required by Missoula City

Website Maintenance: \$2,425.78

The missoulainmotion.com website allows participants to log miles, check progress, and receive updates on an interactive website. Maintaining and improving this website is fundamental to the success of the outreach campaign.

Mileage: \$275.00

Training: \$1,391.50

Staff travel periodically to attend transportation-related conferences both in-state and out-of-state. These conferences are essential to ensure that staff members remain knowledgeable in transportation trends and well-connected in the field. Additionally, the program benefits from providing staff with the opportunity to learn from other communities and to further develop professional skills. Expenses include but are not limited to travel, registrations, and per diems.

Office Rent : \$6,961.89

The MIM office is located in downtown Missoula, and is housed in the same building as the Transportation Planning Division. In addition to facilitating coordination with the transportation planners in implementing the TDM portion of the Missoula transportation plan, the location offers storefront visibility. This location also provides the public with easy access to MIM staff, information on all transportation modes and a retail location for bus passes.

Technology Fund: \$4,240.00  
Required by Missoula City

**Total Operation Costs: \$18272.20.**

### **C. PROGRAM ACTIVITIES**

MIM strives to educate Missoulians on their transportation options for both school and work commutes. Through various outreach projects and events MIM promotes the many sustainable transportation options offered in the Missoula community in an effort to reduce congestion, pollution and stress, while promoting both individual and community health. The program activities outlined below are central to MIM's efforts to reduce vehicle miles traveled in Missoula. In FY 2013, changes to MIM's program activities will be made to incorporate the recommendations of the 2011-2012 *MIM Program Analysis*. The following program activities are performed by the MIM staff.

#### **1. Outreach: \$10,789.55**

MIM currently offers a broad range of programs focused on outreach to employers and individuals, educating and encouraging the use of all modes. In past years, MIM's approach was mainly through mass marketing efforts. Beginning in FY 2013, the program will move away from this approach to focus on

new programs described below. New programs will include Employer Individualized Marketing (EIM), Try Transit and Preferred Parking, in addition to existing outreach.

- a. **Employer Individualized Marketing (EIM)** is an innovative social marketing strategy that takes sustainable commuter travel behavior change to a new level. EIM is about creating a more relevant communications that will resonate with the individual, drive response and, ultimately, increase our return on investment. EIM involves managing a set of customers based on their explicit permission to send some form of communication (or stream of communications or other interaction). The key differences between individualized marketing campaigns and traditional campaigns extends beyond permission to include individualization of content based on profiling individuals (often self-profiling) and individualization of campaigns for individuals.
- b. **Try Transit** - The provision of free transit passes has been shown to encourage people who have been considering transit to start using it. Passes may be given to individuals who currently drive alone and pledge to use transit two or more days per week. This differs from the EZ Pass program in that it provides the transit pass at no cost for a limited time period to a selected population or individuals to advance MIM's travel behavior change goals. Typically the provision of transit passes can reduce the drive alone rate by 30% within the targeted community.
- c. **Expand Preferential Parking Program** - The provision of preferential parking spaces for employees who carpool or vanpool can be an effective TDM strategy in locations where parking is either at a premium or parking spaces are located a long distance from building entrances. MIM staffs already discuss preferential parking with employers; however, the level of support offered can be expanded to include offering employers parking signs that designate spaces for preferential parking. These signs will include the MIM logo. MIM may also develop parking permits that can be distributed to employees who carpool and are approved to use the preferred parking spaces.



## 2. **Dues and Memberships: \$546**

Maintaining memberships to the Missoula Downtown Association and the Missoula Sustainable Business Council is critical because it provides MIM with greater access to the business community. A professional membership to the Association for Commuter Transportation (ACT), and Alliance for Biking and Walking, will provide the staff with networking opportunities, access to the latest information in the area of employer outreach, and technical assistance in implementing new approaches.

## 3. **Public Education and Relations: \$9558.92**

Public education and relations focus will be moving from mass marketing to tailored and individualized marketing (see Outreach). The majority of the public education resources will be put towards establishing and improving upon measurable outreach and media placements that will help inform future program improvements.

MIM will create a distinct message for the program and awareness for time sensitive campaigns (i.e. a weeklong event that encourages the population to try transit via free fares), and develop target marketing tactics for specific segmented groups of travelers.

Metrics will be used to measure the benefits associated with any marketing campaigns. If mass marketing is used, MIM will attempt to drive a specific behavior or action that can be tracked, such as sending people to a campaign specific URL where the total number of visitors are tracked.

**4. Contracted Services: \$3,173.65**

- a. Missoula In Motion's Guaranteed Ride Home (GRH) program provides commuters who vanpool, carpool, bike, walk or ride the bus with a safe and reliable way to get home should an emergency arise; such as illness or unexpected overtime. Yellow Cab takes participants home within 50 miles of Missoula. Each participant is permitted 4 rides every calendar year.
- b. Provide support for workplace and community bicycle programs such as ASUM Bike Ambassadors and MIST bikewell workshops.  
In 2011, MIST had 600 program participants who learned bike safety, traffic laws and bike maintenance through Free Cycles. Free Cycles promotes hands-on learning and try to inspire more people to bike for everyday life, including a strong emphasis on biking to work every day.
- c. Subsidize transit pass programs with the intent of giving employers help in offsetting transportation costs during the start-up phases of their TDM programs. EZ PASS holders are entitled to unlimited rides on all Mountain Line buses and are also eligible to use the GRH program. Numerous Missoula employers participate in the EZ PASS program, including the City of Missoula, Missoula City, and all Missoula Downtown Association businesses with fewer than 150 employees.

**5. Evaluation/ Planning: \$875.00**

Evaluation and planning are two essential components of any program. CMAQ funding calls on its recipients to decrease congestion and improve air quality. For a TDM program, these goals can be tracked through the number of vehicle trips and vehicle miles of travel (VMT) that it reduces. MIM's current program-benefit tracking is based on data from its Way to Go! Club. Unfortunately, it is not clear if MIM's efforts are responsible for the trip reductions reported to the Way to Go! Club or if the reported non-drive-alone trips would have occurred regardless of MIM's efforts.

Evaluation is an ongoing piece of program administration and staff regularly track and provide quarterly reports on several indicators, including: VMT reduction numbers and carbon dioxide emission savings from the Way to Go! Club database, EZ Pass Program ridership statistics, employer contacts, and Guaranteed Ride Home usage statistics. Additionally, over the next two years MIM will improve program measurement and reporting.

MIM will begin using survey instruments to determine the benefits of its efforts. As a starting point, conduct a survey of the Way to Go! participants to determine if their enrollment in the program changed how they travel or sustains their travel choices. Once VMT and trip reduction benefits have been determined, MIM staff will convert those reductions into cost savings, health improvements, air quality improvements and other benefits.

All new measurement processes are survey-based and designed to provide an estimate of program benefits that is statistically accurate and allow MIM programs to be compared against one another and against non-TDM investments such as infrastructure improvements and transit service expansions.

Planning and goals for program growth, in terms of trip and VMT reductions, were developed for MIM based on its existing efforts and the assumption that it will implement most or all of the recommendations contained within the 2011-2012 *MIM Program Analysis*. MIM proposes the following program VMT and trip reduction goals over the next five years.

Year	Program Growth Goal	Cumulative Growth
1	5%	5%
2	10%	16%
3	5%	21%
4	5%	27%
5	5%	34%

Based on MIM's current level of market penetration, community size, and available staffing, it is reasonable to expect the program to decrease VMT and vehicle trip reductions by 5 to 10 percent per year. However, implementation of those recommendations will take time.

In addition to decreasing VMT and trip reductions associated with program goals, MIM staff will work to increase client satisfaction with the program every year. Client satisfaction questions can be included with survey questions designed to measure VMT and trip reduction performance.

#### **6. Premiums & Awards: \$4,056.80**

This effort includes the Transportation Best Practices Awards. This program serves to reinforce positive behavior and can motivate companies, employers, and community members to participate in MIM's programs.

MIM publicly recognizes organizations that have exemplary transportation programs. This program, the annual Transportation Best Practices Awards, highlights model TDM programs and rewards organizations who take action to develop TDM programs. The Awards are MIM's way of recognizing the efforts of the community, and they provide an opportunity for community members to compare notes and learn from each other about how to improve their own transportation programs. Winners receive up to \$1,000 incentive to continue to enhance their TDM programs.

MIM will work to expand the Transportation Best Practices Awards to include the individual who reports the largest number of sustainable trips to the Way to Go! Club and an employer contact who shows exceptional support for the TDM efforts.

#### **7. Special Projects/Incentives: \$8,707.00**

MIM offers many incentives to employees in order to entice them to consider sustainable transportation. These incentives are delivered in a variety of ways, including organized "commuter challenges," raffle drawings, and other promotional materials. Incentives are central to the outreach efforts.

Way to Go! Club members are asked to log their commutes and cost information on the MIM Web page. MIM uses the information to calculate annual VMT and trip reductions. Prize drawings are conducted monthly with all WTG!C members. Prizes include gift cards and give-a-ways from local businesses or locally produced products. Moreover, members are able to win prizes when they achieve commute benchmarks of 60, 120 and 180 sustainable commutes.



#### **8. Special Events: \$7,390.00**

Communities across the country are trying out new and innovative programs and techniques in the TDM arena. To keep local stakeholders informed, MIM hosts one or more TDM based events and/or workshops. Events may include keynote speakers and others who are experts in different fields of TDM, and will offer an opportunity for local stakeholders to network and brainstorm TDM strategies and innovations for Missoula.

Additionally, MIM hosts the Commuter Challenge, an annual business-to-business competition. The challenge aspires to advance awareness of sustainable work commute modes. Businesses as a whole sign-up and participate during a designated week of the year against other businesses. Winners are measured by the percent of sustainable commutes at the end of the competition week. The intent of the Commuter Challenge is to create opportunities for employees to try one new mode of commuting instead of driving alone to work.

**Total Program Activity Costs: \$45,096.92**

#### **D. Indirect Costs (IDC): \$17,455.89**

Federal policy requires application of indirect costs at the individual project level (US DOT 5/5/04 Memo/OMB Circular A-87). In 2002, the Montana Legislature passed and the governor signed HB 21 requiring agencies to recover full indirect costs. Indirect costs are costs of doing business that cannot (without inordinate effort) be assigned to a specific project or activity, the FY13 rate is 11.08%. Indirect costs are referred to as IDC.

#### **This work plan initiates City Fiscal Year 2013, of Missoula's Transportation Demand Management Program (Missoula In Motion).**

<b>Total Personnel Costs:</b>	<b>\$ 94,174.00</b>
Total Operation Costs:	\$ 18,272.20
Total Program Activity Costs:	\$ 45,096.92
<u>Total IDC Costs:</u>	<u>\$ 17,455.89</u>
<b>Total FY13 MIM Costs:</b>	<b>\$175,000.00</b>

MIM - FY 2013		
Category	Trans. Description 2955-260	Expenses 411039
<b>Personnel</b>		
	Supervisor	\$ 38,562.00
	Specialist	\$ 21,230.00
	Admin	\$ 17,154.00
	Assistant	\$ 17,228.00
<b>Personnel Total</b>		<b>\$94,174.00</b>
<b>Operations</b>		
	210- Office Supplies	\$ 367.03
	311-Postage	\$ 360.00
	312-Internet	\$ 224.00
	340- Heat-lights water	\$ 1,099.70
	345- Phone Access	\$ 927.30
	363-Web Maintenance	\$ 2,425.78
	371- Mileage	\$ 275.00
	380- Training	\$ 1,391.50
	530- Rent	\$ 6,961.89
	821- Technology	\$ 4,240.00
<b>Operations Total</b>		<b>\$18,272.20</b>
<b>Program Activities</b>		
	333-Outreach- Marketing	\$ 10,789.55
	335- Dues and Membership	\$ 546.00
	336-Public Ed - Relations	\$ 9,558.92
	357-Contracted Services -	\$ 3,173.65
	358-Evaluation and Planning	\$ 875.00
	741-Premiums & Awards -	\$ 4,056.80
	791-Special Projects Incentives	\$ 8,707.00
	792-Special Events	\$ 7,390.00
<b>Program Activities Total</b>		<b>\$ 45,096.92</b>
<b>Indirect Costs</b>		
	709- MDT	\$ 17,455.89
<b>Indirect Cost Total</b>		<b>\$ 17,455.89</b>
<b>Budget Totals</b>		
	personnel	<b>\$94,174.00</b>

	<b>operations</b>	<b>\$18,272.20</b>
	<b>program activities</b>	<b>\$45,096.92</b>
	<b>indirect cost</b>	<b>\$17,455.89</b>
	<b>Local match</b>	<b>\$23,485.00</b>

## EXHIBIT II

## NON-DISCRIMINATION NOTICE

During the performance of this Agreement, Missoula Office of Planning and Grants and Missoula City Board of Commissioners (hereafter in this Section "the Party"), for itself, its assignees and successors in interest, agrees as follows:

### A) COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 FOR FEDERAL-AID CONTRACTS

- (1) Compliance with Regulations: The Party shall comply with all Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation, 49 Code of Federal Regulations (CFR), Part 21, as they may be amended (hereafter referred to as the Regulations), which are incorporated by reference and made a part of this Agreement, even if only state funding is here involved.
- (2) Nondiscrimination: The Party, with regard to the work performed by it during the Agreement, shall not discriminate on the grounds of sex, race, color, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Party shall not participate either directly or indirectly in the discrimination prohibited by 49 CFR Sec. 21.5.
- (3) Solicitations for Subcontracts, Including Procurement of Materials and Equipment: In all solicitations, whether by competitive bidding or negotiation by the Party for work to be performed under a subcontract, including procurement of materials or leases of equipment, any potential subcontractor or supplier shall be notified by the Party of the Party's obligations under this Agreement and the Regulations relative to nondiscrimination.
- (4) Information and Reports: The Party will provide all reports and information required by the Regulations, or directives issued pursuant thereto, and permit access to its books, records, accounts, other sources of information and its facilities as may be determined by State or the Federal Highway Administration (FHWA) to be pertinent to ascertain compliance with Regulations or directives. Where any information required of the Party is in the exclusive possession of another who fails or refuses to furnish this information, the Party shall so certify to the Department or the FHWA as requested, setting forth what efforts it has made to obtain the information.
- (5) Sanctions for Noncompliance: In the event of the Party's noncompliance with the nondiscrimination provisions of this Agreement, State may impose sanctions as it or the FHWA determines appropriate, including, but not limited to,
  - (a) Withholding payments to the Party under the Agreement until the Party complies, and/or
  - (b) Cancellation, termination or suspension of the Agreement, in whole or in part.
- (6) Incorporation of Provisions: The Party will include the provisions of paragraphs (1) through (6) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. The Party will take such action with respect to any subcontract or procurement as the State or

the FHWA may direct to enforce such provisions including sanctions for noncompliance: Provided, however, that in the event the Party is sued or is threatened with litigation by a subcontractor or supplier as a result of such direction, the Party may request the State to enter into the litigation to protect the interests of the State, and, in addition, the Party or the State may request the United States to enter into such litigation to protect the interests of the United States.

**B) COMPLIANCE WITH THE MONTANA GOVERNMENTAL CODE OF FAIR PRACTICES, SEC. 49-3-207, MCA**

In accordance with Section 49-3-207, MCA, the Party agrees that for this Agreement all hiring will be made on the basis of merit and qualifications and that there will be no discrimination on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin by the persons performing the Agreement.

**C) COMPLIANCE WITH AMERICANS WITH DISABILITIES ACT (ADA)**

- (1) The Party will comply with all regulations relative to implementation of the AMERICANS WITH DISABILITIES ACT.
- (2) The Party will incorporate or communicate the intent of the following statement in all publications, announcements, video recordings, course offerings or other program outputs: **"The Party will provide reasonable accommodations for any known disability that may interfere with a person in participating in any service, program or activity offered by the Party. In the case of documents, recordings or verbal presentations, alternative accessible formats will be provided. For further information call the Party."**
- (3) All video recordings produced and created under contract and/or agreement will be closed-captioned.

**D) COMPLIANCE WITH PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES IN DEPARTMENT OF TRANSPORTATION FINANCIAL ASSISTANCE PROGRAMS, 49 CFR PART 26**

Each Agreement the Department signs with a Party (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance:

**The Party, subrecipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The Party shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the Party to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate**



**Bruner, Heidi**

---

**From:** Winegar, Kenn  
**Sent:** Monday, June 03, 2013 8:29 AM  
**To:** Bruner, Heidi  
**Subject:** FW: environmental review  
**Attachments:** DOC FROM ENVIRONMENTAL HEIDI BRUNER.PDF; MSLTDM2013\_14REQFORENVDOC.DOCX; TDM\_CONTRACT\_DRAFT.DOCX

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

I was out Friday, but here is our draft.

**From:** Bruner, Heidi  
**Sent:** Friday, May 31, 2013 11:11 AM  
**To:** Winegar, Kenn  
**Subject:** FW: environmental review

Hi Kenn:

I have had a note to talk with you all week and it's already Friday and I am just getting back to this. Sorry I didn't touch base with you on this earlier.

Your memo references an attachment of a copy of the contract that includes the activities as Exhibit 1. That attachment was not included in the email. Can you please send that my way?

Thank you,  
~Heidy

---

**From:** Winegar, Kenn  
**Sent:** Tuesday, May 21, 2013 11:55 AM  
**To:** Bruner, Heidi  
**Subject:** environmental review

Heidi, here is our request for review and a previous year example.

Per our conversation you will make the programming request. If you need anything else please let me know.

Kenn Winegar  
Urban Planner  
406 444-6124





Montana Department of  
**ENVIRONMENTAL QUALITY**

Steve Bullock, Governor  
Tracy Stone-Manning, Director

P. O. Box 200901

Helena, MT 59620-0901

(406) 444-2544

Website: [www.deq.mt.gov](http://www.deq.mt.gov)

## PUBLIC NOTICE NO. MT-13-13

JUNE 10, 2013

### PURPOSE OF PUBLIC NOTICE

The purpose of this notice is to state the Department's intention to issue a wastewater discharge permit to the facility listed in this notice. This permit is issued by the Department under the authority of 75-5-402, Montana Code Annotated (MCA); the Administrative Rules of Montana (ARM) 17.30.1301 *et seq.*, Montana Pollutant Discharge Elimination System (MPDES); and Sections 402 and 303 of the Federal Clean Water Act. The Water Protection Bureau has prepared a draft permit for the facility listed below. Copies of the draft permit, statement of basis, and environmental assessment are available upon request from the Water Protection Bureau or on the Department's website [www.deq.mt.gov](http://www.deq.mt.gov).

### APPLICANT INFORMATION

APPLICANT NAME: Town of Alberton  
P.O. Box 115  
Alberton, MT 59820

FACILITY NAME: Town of Alberton Wastewater Treatment Facility

FACILITY LOCATION: T14N, R23W, Section 3  
Mineral County

RECEIVING WATER: Clark Fork River

PERMIT NUMBER: MT0021555

This permit is a reissuance of a Montana Pollutant Discharge Elimination System (MPDES) permit for discharge of treated wastewater to the Clark Fork River. The Town of Alberton operates a three-cell aerated lagoon cell system with a design flow of 0.054 million gallons per day, without effluent disinfection. The domestic wastewater collection and treatment system serves approximately 420 people. The proposed permit will immediately apply secondary treatment standards for five-day biochemical oxygen demand (BOD<sub>5</sub>) and pH; treatment equivalent to secondary (TES) for TSS; and limits on *E. coli* bacteria and total residual chlorine. The proposed permit requires periodic self-monitoring of discharge quality and quantity, with monthly reporting of results. This permit and Statement of Basis will be submitted to the EPA for approval.

On September 21, 2000, a U.S. District Judge issued an order stating that until all necessary total maximum daily loads under Section 303(d) of the Clean Water Act are established for a particular water quality limited segment, the State is not to issue any new permits or increase permitted discharges under the MPDES program. The order was issued in the lawsuit *Friends of the Wild Swan v. U.S. EPA, et al.*, CA 97-35-M-DWM, District of Montana, Missoula Division. The DEQ finds that the issuance of this proposed permit does not conflict with the order because this is not a new or increased source.

### PUBLIC COMMENT

Public comments are invited ANYTIME PRIOR TO CLOSE OF BUSINESS July 10, 2013. Comments may be directed to the DEQ Permitting & Compliance Division, Water Protection Bureau, PO Box 200901, Helena, MT 59620. All comments received or postmarked PRIOR TO CLOSE OF BUSINESS July 10, 2013 will be considered in the formulation of final determinations to be imposed on the permits. If you wish to comment electronically, you may e-mail David Dunbar or Barb Sharpe at [WPBPublicNotices@mt.gov](mailto:WPBPublicNotices@mt.gov).

During the public comment period provided by the notice, the Department will accept requests for a public hearing. A request for a public hearing must be in writing and must state the nature of the issue proposed to be raised in the hearing (ARM 17.30.1373).

The Department will respond to all substantive comments and issue a final decision within sixty days of this notice or as soon as possible thereafter. Additional information may be obtained upon request by calling (406) 444-3080 or by writing to the aforementioned address. The complete administrative record, including permit application and other pertinent information, is maintained at the Water Protection Bureau office in Helena and is available for review during business hours.

**PUBLIC NOTICE NO. MT-13-13**  
**JUNE 10, 2013**



Montana Department of  
**ENVIRONMENTAL QUALITY**

Steve Bullock, Governor  
Tracy Stone-Manning, Director

P. O. Box 200901

Helena, MT 59620-0901

(406) 444-2544

Website: [www.deq.mt.gov](http://www.deq.mt.gov)

**PUBLIC NOTICE NO. MT-13-15**

**June 24, 2013**

PURPOSE OF PUBLIC NOTICE

The purpose of this notice is to state the Department's intention to issue a wastewater discharge permit to the facility listed in this notice. This permit is issued by the Department under the authority of 75-5-402, Montana Code Annotated (MCA); the Administrative Rules of Montana (ARM) 17.30.1301 *et seq.*, Montana Pollutant Discharge Elimination System (MPDES); and Sections 402 and 303 of the Federal Clean Water Act. The Water Protection Bureau has prepared a draft permit for the facility listed below. Copies of the draft permit, statement of basis, and environmental assessment are available upon request from the Water Protection Bureau or on the Department's website [www.deq.mt.gov](http://www.deq.mt.gov).

APPLICANT INFORMATION

APPLICANT NAME: City of Fort Benton  
P.O. Box 8  
Fort Benton, MT 59442

FACILITY NAME: City of Fort Benton Wastewater Treatment Facility

FACILITY LOCATION: 2610 Riverview Trail  
Fort Benton, MT 59442  
Chouteau County

RECEIVING WATER: Outfall 001: Missouri River  
Outfall 002: Missouri River via Infiltration Pond

PERMIT NUMBER: MT0021601

The City of Fort Benton Wastewater Treatment Facility serves the city of Fort Benton in Chouteau County. The total population served is about 1,500 individuals. The average daily design flow of the facility is 0.255 million gallons per day (mgd) and the maximum daily flow for the prior year is 0.25 mgd.

Wastewater is collected and transported to the facility via a separate sanitary sewer system. The treatment system consists of a three-cell aerated lagoon system. After treatment in the lagoons, the effluent enters into a splitter box and is directed into either the Missouri River (Outfall 001) or into



the infiltration pond (Outfall 002). The infiltration pond is hydraulically connected to the Missouri River. The majority of the effluent discharged by the facility is discharged via Outfall 002.

On September 21, 2000, a U.S. District Judge issued an order stating that until all necessary total maximum daily loads (TMDLs) under Section 303(d) of the Clean Water Act are established for a particular water quality limited segment, the State is not to issue any new or increased permits under the MPDES program. The order was issued in the lawsuit Friends of the Wild Swan vs. U.S. EPA, et al. (CV 97-35-M-DWM), District of Montana and Missoula Division. DEQ finds that renewal of this permit does not conflict with the order because there are no new or increased sources associated with the discharge.

### PUBLIC COMMENT

Public comments are invited ANYTIME PRIOR TO CLOSE OF BUSINESS July 24, 2013. Comments may be directed to the DEQ Permitting & Compliance Division, Water Protection Bureau, PO Box 200901, Helena, MT 59620. All comments received or postmarked PRIOR TO CLOSE OF BUSINESS July 24, 2013 will be considered in the formulation of final determinations to be imposed on the permits. If you wish to comment electronically, you may e-mail David Dunbar or Barb Sharpe at WPBPublicNotices@mt.gov.

During the public comment period provided by the notice, the Department will accept requests for a public hearing. A request for a public hearing must be in writing and must state the nature of the issue proposed to be raised in the hearing (ARM 17.30.1373).

The Department will respond to all substantive comments and issue a final decision within sixty days of this notice or as soon as possible thereafter. Additional information may be obtained upon request by calling (406) 444-3080 or by writing to the aforementioned address. The complete administrative record, including permit application and other pertinent information, is maintained at the Water Protection Bureau office in Helena and is available for review during business hours.

**PUBLIC NOTICE NO. MT-13-15**  
**July 24, 2013**



Montana Department of  
**ENVIRONMENTAL QUALITY**

Steve Bullock, Governor  
Tracy Stone-Manning, Director

P. O. Box 200901

Helena, MT 59620-0901

(406) 444-2544

Website: [www.deq.mt.gov](http://www.deq.mt.gov)

**PUBLIC NOTICE NO. MT-13-14**

**June 24, 2013**

PURPOSE OF PUBLIC NOTICE

The purpose of this notice is to state the Department's intention to issue a wastewater discharge permit to the facility listed in this notice. This permit is issued by the Department under the authority of 75-5-402, Montana Code Annotated (MCA); the Administrative Rules of Montana (ARM) 17.30.1301 *et seq.*, Montana Pollutant Discharge Elimination System (MPDES); and Sections 402 and 303 of the Federal Clean Water Act. The Water Protection Bureau has prepared a draft permit for the facility listed below. Copies of the draft permit, fact sheet, and environmental assessment are available upon request from the Water Protection Bureau or on the Department's website [www.deq.mt.gov](http://www.deq.mt.gov).

APPLICANT INFORMATION

APPLICANT: ExxonMobil Refining & Supply Company

FACILITY NAME: ExxonMobil Billings Refinery

FACILITY LOCATION: 700 ExxonMobil Road, Yellowstone County

RECEIVING WATER: Yellowstone River

PERMIT NUMBER: MT0000477

The ExxonMobil Billings Refinery processes, treats, and transforms crude oil and other raw materials into refined hydrocarbon products, byproducts, and intermediates. The reported throughput in the February 21, 2013, permit application is 60,500 barrels of crude oil per operating day. Noncontact cooling water is taken from and returned to the Yellowstone River. Process wastewater is treated in a large wastewater lagoon system and discharged to the Yellowstone River. Noncontact cooling water and process wastewater discharged to the Yellowstone River must meet effluent limits in the discharge permit.

On September 21, 2000, a U.S. District Judge issued an order stating that until all necessary total maximum daily loads (TMDLs) under Section 303(d) of the Clean Water Act are established for a particular water quality limited segment, the State is not to issue any new permits or increase permitted discharges under the MPDES program. The order was issued in the lawsuit Friends of the Wild Swan

v. U.S. EPA, et al., CV 97-35-M-DWM, District of Montana, Missoula Division. This permit does not conflict with the judge's order because it is not a new permit and it does not allow an increase in the concentration of arsenic above the background concentration in the Yellowstone River.

**PUBLIC COMMENT**

Public comments are invited **ANYTIME PRIOR TO CLOSE OF BUSINESS July 24, 2013.**

Comments may be directed to the DEQ Permitting & Compliance Division, Water Protection Bureau, PO Box 200901, Helena, MT 59620. All comments received or postmarked **PRIOR TO CLOSE OF BUSINESS July 24, 2013** will be considered in the formulation of final determinations to be imposed on the permits. If you wish to comment electronically, you may e-mail David Dunbar or Barb Sharpe at [WPBPublicNotices@mt.gov](mailto:WPBPublicNotices@mt.gov).

During the public comment period provided by the notice, the Department will accept requests for a public hearing. A request for a public hearing must be in writing and must state the nature of the issue proposed to be raised in the hearing (ARM 17.30.1373).

The Department will respond to all substantive comments and issue a final decision within sixty days of this notice or as soon as possible thereafter. Additional information may be obtained upon request by calling (406) 444-3080 or by writing to the aforementioned address. The complete administrative record, including permit application and other pertinent information, is maintained at the Water Protection Bureau office in Helena and is available for review during business hours.

**PUBLIC NOTICE NO. MT-13-14**

**June 24, 2013**



Steve Bullock  
Governor

302 N Roberts, PO Box 200201  
Helena, Montana 59620-0201

Ron de Yong  
Director

406.444-3144 • Fax: 406.444.5409 • agr@mt.gov • www.agr.mt.gov

## Memorandum

For Joe

**To:** Todd Everts  
Legislative Environmental Analyst

**From:** Ron de Yong  
Director

**Date:** June 25, 2013

**Re:** Environmental Assessments for Local Cooperative  
Noxious Weed Trust Fund 2013 Grants

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Enclosed are copies of the Environmental Assessments for Local Cooperative Noxious Weed Trust Fund Grants approved in FY 2013 as required by the MEPA Model Rules 4.2.317(5) ARM.

If you have any questions, please contact my office or Donna Rise at 444-2944.

c: Governor's Office

T13-003 Jette-Sunny Slope Weed Management Project  
Flathead Reservation

**NWTF Environmental Assessment Reviewer Form**

MDA Reviewer - Area of Concern	Potential Impact on Environment	Initial Review of Mitigation	Notes on Mitigation Statement	Approved
Kim Antonick - General Vegetation Type	Minor	Good		Yes
Rick Mulder and Emilie Erich - Surface & Groundwater	Moderate	Good	Good, well-organized (EE)	Yes
Rick Mulder and Emilie Erich - Soils	Moderate	Good	Good, well-organized (EE)	Yes
Craig McLane - Threatened & Endangered Species	Moderate	Good	Had them revise plan to include education on the sensitive slug to ensure none would be trampled or treated with herbicide	Yes
Craig McLane - Fish & Wildlife Habitat	Moderate	Good		Yes
Kim Antonick - Air Quality	Minor	Good		Yes
Kim Antonick - Historical & Archeological Sites	None	Meets Minimum Mitigation		Yes

T13-011 Beaver Creek/Eagle Creek Project, Haystack Follow-Up  
Rocky Boy Reservation

**NWTF Environmental Assessment Reviewer Form**

MDA Reviewer - Area of Concern	Potential Impact on Environment	Initial Review of Mitigation	Notes on Mitigation Statement	Approved
Kim Antonick - General Vegetation Type	Minor	Meets Minimum Mitigation		Yes
Rick Mulder and Emilie Erich - Surface & Groundwater	Minor	Meets Minimum Mitigation		Yes
Rick Mulder and Emilie Erich - Soils	Minor	Meets Minimum Mitigation		Yes
Craig McLane - Threatened & Endangered Species	None	Meets Minimum Mitigation		Yes
Craig McLane - Fish & Wildlife Habitat	Minor	Meets Minimum Mitigation		Yes
Kim Antonick - Air Quality	Minor	Meets Minimum Mitigation		Yes
Kim Antonick - Historical & Archeological Sites	None	Meets Minimum Mitigation		Yes



T13-013 Corvallis Agricultural Corridor CWMA  
Ravalli County

**NWTF Environmental Assessment Reviewer Form**

MDA Reviewer - Area of Concern	Potential Impact on Environment	Initial Review of Mitigation	Notes on Mitigation Statement	Approved
Kim Antonick - General Vegetation Type	Moderate	Meets Minimum Mitigation	Project is not going to use Perspective along irrigation ditches and will be used along fence lines only.	Yes
Rick Mulder and Emilie Erich - Surface & Groundwater	Moderate	Excellent	Plans for spot treatment vs broadcast good (EE)	Yes
Rick Mulder and Emilie Erich - Soils	Moderate	Excellent	Excellent analysis of soil properties (EE)	Yes
Craig McLane - Threatened & Endangered Species	Moderate	Meets Minimum Mitigation	No comment of plant SOC but additional map provided shows those plant species outside the treatment areas	Yes
Craig McLane - Fish & Wildlife Habitat	Minor	Good	As most is in agriculture very little impact expected.	Yes
Kim Antonick - Air Quality	Minor	Good		Yes
Kim Antonick - Historical & Archeological Sites	None	Good		Yes

T13-017 Upper Ruby Watershed Project  
Madison County

**NWTF Environmental Assessment Reviewer Form**

MDA Reviewer - Area of Concern	Potential Impact on Environment	Initial Review of Mitigation	Notes on Mitigation Statement	Approved
Kim Antonick - General Vegetation Type	Minor	Meets Minimum Mitigation		Yes
Rick Mulder and Emilie Erich - Surface & Groundwater	Moderate	Good	Major concern is shallow wells and wells with <50' static water level - mitigation of 50' buffer is good, buffering all surface waters is excellent (EE)	Yes
Rick Mulder and Emilie Erich - Soils	Moderate	Good	Major concern is coarse textured soils on steep slopes - mitigation with alternative management methods is good (EE)	Yes
Craig McLane - Threatened & Endangered Species	Minor	Meets Minimum Mitigation		Yes
Craig McLane - Fish & Wildlife Habitat	Minor	Meets Minimum Mitigation		Yes
Kim Antonick - Air Quality	Minor	Good		Yes
Kim Antonick - Historical & Archeological Sites	None	Good		Yes

T13-018 North Denton Project  
Fergus County

**NWTF Environmental Assessment Reviewer Form**

MDA Reviewer - Area of Concern	Potential Impact on Environment	Initial Review of Mitigation	Notes on Mitigation Statement	Approved
Kim Antonick - General Vegetation Type	Minor	Good		Yes
Rick Mulder and Emilie Erich - Surface & Groundwater	Moderate	Good	RM	Yes
Rick Mulder and Emilie Erich - Soils	Moderate	Good	RM	Yes
Craig McLane - Threatened & Endangered Species	Minor	Excellent		Yes
Craig McLane - Fish & Wildlife Habitat	Moderate	Good		Yes
Kim Antonick - Air Quality	Minor	Good		Yes
Kim Antonick - Historical & Archeological Sites	None	Meets Minimum Mitigation		Yes

T13-027 Lennep Weed Management Area  
Meagher County

**NWTF Environmental Assessment Reviewer Form**

MDA Reviewer - Area of Concern	Potential Impact on Environment	Initial Review of Mitigation	Notes on Mitigation Statement	Approved
Kim Antonick - General Vegetation Type	Minor	Excellent		Yes
Rick Mulder and Emilie Erich - Surface & Groundwater	Moderate	Good	RM	Yes
Rick Mulder and Emilie Erich - Soils	Moderate	Good	RM	Yes
Craig McLane - Threatened & Endangered Species	Moderate	Excellent		Yes
Craig McLane - Fish & Wildlife Habitat	Minor	Good		Yes
Kim Antonick - Air Quality	Minor	Good		Yes
Kim Antonick - Historical & Archeological Sites	None	Good		Yes

T13-035 Lolo Creek Watershed Weed Management Area  
Missoula County

**WTF Environmental Assessment Reviewer Form**

MDA Reviewer - Area of Concern	Potential Impact on Environment	Initial Review of Mitigation	Notes on Mitigation Statement	Approved
Kim Antonick - General Vegetation Type	Minor	Good		Yes
Rick Mulder and Emilie Erich - Surface & Groundwater	High	Good		Yes
Rick Mulder and Emilie Erich - Soils	Moderate	Good		Yes
Craig McLane - Threatened & Endangered Species	High	Good		Yes
Craig McLane - Fish & Wildlife Habitat	Minor	Good		Yes
Kim Antonick - Air Quality	Minor	Good		Yes
Kim Antonick - Historical & Archeological Sites	None	Meets Minimum Mitigation		Yes

T13-041 MMWG Lower Musselshell Weed Spraying – Phase One  
Petroleum County

**NWTF Environmental Assessment Reviewer Form**

MDA Reviewer - Area of Concern	Potential Impact on Environment	Initial Review of Mitigation	Notes on Mitigation Statement	Approved
Kim Antonick - General Vegetation Type	Minor	Meets Minimum Mitigation	Spraying along river bottoms with mobile chemicals indicates high likely hood of impacts to water. Use of spot spraying should minimize impacts. RM	Yes
Rick Mulder and Emilie Erich - Surface & Groundwater	High	Good		Yes
Rick Mulder and Emilie Erich - Soils	Moderate	Good		Yes
Craig McLane - Threatened & Endangered Species	Minor	Good		Yes
Craig McLane - Fish & Wildlife Habitat	Minor	Good		Yes
Kim Antonick - Air Quality	Minor	Good		Yes
Kim Antonick - Historical & Archeological Sites	None	Meets Minimum Mitigation		Yes

T13-043 West Boulder River – Mission Creek Watersheds Cooperative Weed Management Project  
Park County

**NWTF Environmental Assessment Reviewer Form**

MDA Reviewer - Area of Concern	Potential Impact on Environment	Initial Review of Mitigation	Notes on Mitigation Statement	Approved
Kim Antonick - General Vegetation Type	Minor	Good		Yes
Rick Mulder and Emilie Erich - Surface & Groundwater	Minor	Meets Minimum Mitigation	RM	Yes
Rick Mulder and Emilie Erich - Soils	Minor	Meets Minimum Mitigation	RM	Yes
Craig McLane - Threatened & Endangered Species	Minor	Good		Yes
Craig McLane - Fish & Wildlife Habitat	Minor	Meets Minimum Mitigation		Yes
Kim Antonick - Air Quality	Minor	Excellent		Yes
Kim Antonick - Historical & Archeological Sites	None	Good		Yes

T13-045 Antelope Fire Recovery  
Jefferson County

**NWTF Environmental Assessment Reviewer Form**

MDA Reviewer - Area of Concern	Potential Impact on Environment	Initial Review of Mitigation	Notes on Mitigation Statement	Approved
Kim Antonick - General Vegetation Type	Minor	Good		Yes
Rick Mulder and Emilie Erich - Surface & Groundwater	Moderate	Good	Major concern is slopes to surface waters - mitigation with buffers is good (EE)	Yes
Rick Mulder and Emilie Erich - Soils	Moderate	Good	Major concern is chloresulfuron in soils with high Ksat - unsaturated drainage patterns provides natural mitigation and careful application methods is good (EE)	Yes
Craig McLane - Threatened & Endangered Species	Minor	Excellent	Well thought out and detailed by species	Yes
Craig McLane - Fish & Wildlife Habitat	Minor	Excellent	Well thought out and detailed by species	Yes
Kim Antonick - Air Quality	Minor	Good		Yes
Kim Antonick - Historical & Archeological Sites	None	Good	Stephanie checked with the Historical Society about the work that was planned for seedbed preparation and they are aware of the activity. No likely affect	Yes

T13-053 Sonnette Hemlock Area  
Powder River County

**NWTF Environmental Assessment Reviewer Form**

MDA Reviewer - Area of Concern	Potential Impact on Environment	Initial Review of Mitigation	Notes on Mitigation Statement	Approved
Kim Antonick - General Vegetation Type	Minor	Meets Minimum Mitigation		Yes
Rick Mulder and Emilie Erich - Surface & Groundwater	Minor	Meets Minimum Mitigation		Yes
Rick Mulder and Emilie Erich - Soils	Minor	Meets Minimum Mitigation		Yes
Craig McLane - Threatened & Endangered Species	Minor	Meets Minimum Mitigation		Yes
Craig McLane - Fish & Wildlife Habitat	Minor	Meets Minimum Mitigation		Yes
Kim Antonick - Air Quality	Minor	Meets Minimum Mitigation		Yes
Kim Antonick - Historical & Archeological Sites	None	Meets Minimum Mitigation		Yes

T13-054 Two Rivers Cooperative Weed Management Project  
Stillwater County

**NWTF Environmental Assessment Reviewer Form**

MDA Reviewer - Area of Concern	Potential Impact on Environment	Initial Review of Mitigation	Notes on Mitigation Statement	Approved
Kim Antonick - General Vegetation Type	Minor	Excellent	Abundant surface water and shallow groundwater in area. Mitigation is acceptable. RM  Lots of permeable soils in project area. Mitigation is acceptable.	Yes
Rick Mulder and Emilie Erich - Surface & Groundwater	Moderate	Good		Yes
Rick Mulder and Emilie Erich - Soils	Moderate	Good		Yes
Craig McLane - Threatened & Endangered Species	Minor	Meets Minimum Mitigation		Yes
Craig McLane - Fish & Wildlife Habitat	Minor	Good		Yes
Kim Antonick - Air Quality	Minor	Good		Yes
Kim Antonick - Historical & Archeological Sites	None	Good		Yes

T13-059 Fort Peck Lake and Missouri River EWM Project  
Valley County

**NWTF Environmental Assessment Reviewer Form**

MDA Reviewer - Area of Concern	Potential Impact on Environment	Initial Review of Mitigation	Notes on Mitigation Statement	Approved
Kim Antonick - General Vegetation Type	Minor	Good		Yes
Rick Mulder and Emilie Erich - Surface & Groundwater	Moderate	Meets Minimum Mitigation	RM	Yes
Rick Mulder and Emilie Erich - Soils	Moderate	Meets Minimum Mitigation	RM	Yes
Craig McLane - Threatened & Endangered Species	Minor	Good		Yes
Craig McLane - Fish & Wildlife Habitat	Minor	Good		Yes
Kim Antonick - Air Quality	Minor	Good		Yes
Kim Antonick - Historical & Archeological Sites	None	Good		Yes

T13-066 Old Boulder Project  
Sweet Grass County

**NWTF Environmental Assessment Reviewer Form**

MDA Reviewer - Area of Concern	Potential Impact on Environment	Initial Review of Mitigation	Notes on Mitigation Statement	Approved
Kim Antonick - General Vegetation Type	Minor	Good		Yes
Rick Mulder and Emilie Erich - Surface & Groundwater	Moderate	Good	RM	Yes
Rick Mulder and Emilie Erich - Soils	Moderate	Good	RM	Yes
Craig McLane - Threatened & Endangered Species	Minor	Excellent		Yes
Craig McLane - Fish & Wildlife Habitat	Minor	Excellent		Yes
Kim Antonick - Air Quality	Minor	Good		Yes
Kim Antonick - Historical & Archeological Sites	None	Good		Yes



T13-073 North Willow Creek/Cataract Water Users  
Madison County

**NWTF Environmental Assessment Reviewer Form**

MDA Reviewer - Area of Concern	Potential Impact on Environment	Initial Review of Mitigation	Notes on Mitigation Statement	Approved
Kim Antonick - General Vegetation Type	Minor	Good	Major concern is high erosion potential in some areas (EE)  Major concern is wells and ponded water - mitigation of 50' buffer for all wells and alternative weed treatment is good (EE)	Yes
Rick Mulder and Emile Erich - Surface & Groundwater	Moderate	Good		Yes
Rick Mulder and Emile Erich - Soils	Moderate	Good		Yes
Craig McLane - Threatened & Endangered Species	Moderate	Good		Yes
Craig McLane - Fish & Wildlife Habitat	Minor	Meets Minimum Mitigation		Yes
Kim Antonick - Air Quality	Minor	Good		Yes
Kim Antonick - Historical & Archeological Sites	None	Good		Yes

T13-096 Chalky Fire Project  
Rosebud County

**NWTF Environmental Assessment Reviewer Form**

MDA Reviewer - Area of Concern	Potential Impact on Environment	Initial Review of Mitigation	Notes on Mitigation Statement	Approved
Kim Antonick - General Vegetation Type	Minor	Good	Very little shallow groundwater or surface water in project area. RM  Very vague but does not appear to be soil issues in project area. RM	Yes
Rick Mulder and Emile Erich - Surface & Groundwater	Minor	Meets Minimum Mitigation		Yes
Rick Mulder and Emile Erich - Soils	Minor	Meets Minimum Mitigation		Yes
Craig McLane - Threatened & Endangered Species	Minor	Meets Minimum Mitigation		Yes
Craig McLane - Fish & Wildlife Habitat	Minor	Meets Minimum Mitigation		Yes
Kim Antonick - Air Quality	Minor	Good		Yes
Kim Antonick - Historical & Archeological Sites	None	Meets Minimum Mitigation		Yes



## Montana Fish, Wildlife & Parks

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Region 4 Headquarters

4600 Giant Springs Road

Great Falls, MT 59405

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July 1, 2013

To whom it may concern:

Montana Fish, Wildlife & Parks is proposing a project to restore native westslope cutthroat trout to upper Big Camas Creek and Camas Lake (see attached map). Restoration would require the removal of non-native fishes with an Environmental Protection Agency piscicide containing rotenone. Detoxification of rotenone would occur on national forest lands approximately one mile upstream from private lands (see attached map). No other westslope cutthroat restoration projects are planned for the Camas Creek Drainage.

Historically, Camas Creek and its tributaries would have supported westslope cutthroat trout (westslope) in approximately 43 miles of stream. Currently, the only remaining population of non-hybridized westslope in the Camas drainage is located in Middle Fork Camas Creek (see attached map). This population is the result of a transfer of genetically pure westslope from a population in the Castle Mountains. Trout populations in the Camas Creek drainage are typically highly hybridized individuals – a mix of old westslope genetics, stocked Yellowstone cutthroat trout, and stocked rainbow trout.

Genetically pure populations of westslope occupy less than 3% of historically occupied habitat in the Smith River drainage – 20 miles out of a total of 615 miles. Projects which restore westslope to historically occupied habitats are necessary to prevent extinction of the only trout native to the Smith River. Efforts to stabilize and increase westslope populations would likely prevent a future listing under the Endangered Species Act and the potential for unwanted/unnecessary land use restrictions on public and private lands.

***This project is intended to restore a viable population of locally obtained westslope to approximately 4 miles of Big Camas Creek and the 29-acre – ft. Camas Lake. Predicted project benefits include:***

- Increase in total miles of native non-hybridized westslope inhabited stream in the Camas Drainage from 1 to 4 miles (400% increase).
- Replication of one of the last 5 existing populations of westslope in the Smith River drainage.
- Reduction in the risk of potential listing under the Endangered Species Act.

The current harvest limit for Yellowstone cutthroat trout in Camas Lake is 5 daily and 10 in possession.

***Montana Fish, Wildlife & Parks propose the following mitigation for the temporary decrease in trout numbers after removal of non-native Yellowstone cutthroat trout:***

- No change in harvest regulations after Camas Lake is restored to a native westslope cutthroat trout fishery (5 per day and 10 in possession).
- Unlimited harvest of Yellowstone cutthroat trout in Camas Lake and Big Camas Creek prior to treatment with rotenone.
- Annual stocking of sterile (triploid) westslope cutthroat trout until naturally reproducing fishery has developed.
- Treatment would be conducted after Fourth of July weekend and prior to the opening of archery season.

Comments on this *draft* Environmental Assessment are requested from you and any other interested parties. Please identify any concerns or site specific information you are aware of that doesn't appear to have been considered but should have been as well as your reasoning why it should be considered in reaching decisions regarding this project. The comment period is 30 days. Public comments would be accepted through July 21, 2013.

A copy of the *draft* that identifies the alternatives and activities proposed is available by contacting George Liknes at FWP Region 4 Headquarter at 406-454-5855 or on the FWP website at: [http://fwp.mt.gov/news/publicNotices/environmentalAssessments/speciesRemovalAndRelocation/pn\\_0063.html](http://fwp.mt.gov/news/publicNotices/environmentalAssessments/speciesRemovalAndRelocation/pn_0063.html)

If you have additional questions or would like to meet and discuss the proposed projects please contact me (David Moser) at 1-406-791-7775 or by email to [dmoser@fs.fed.us](mailto:dmoser@fs.fed.us).

Written comments can be sent to:

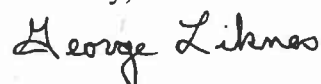
Montana Fish, Wildlife & Parks  
c/o Camas Lake/Big Camas Creek EA Comments  
4600 Giant Springs Rd.  
Great Falls, MT 59405

Or by email to: [gliknes@mt.gov](mailto:gliknes@mt.gov)

Or public comments can also be given at the FWP web page address below:

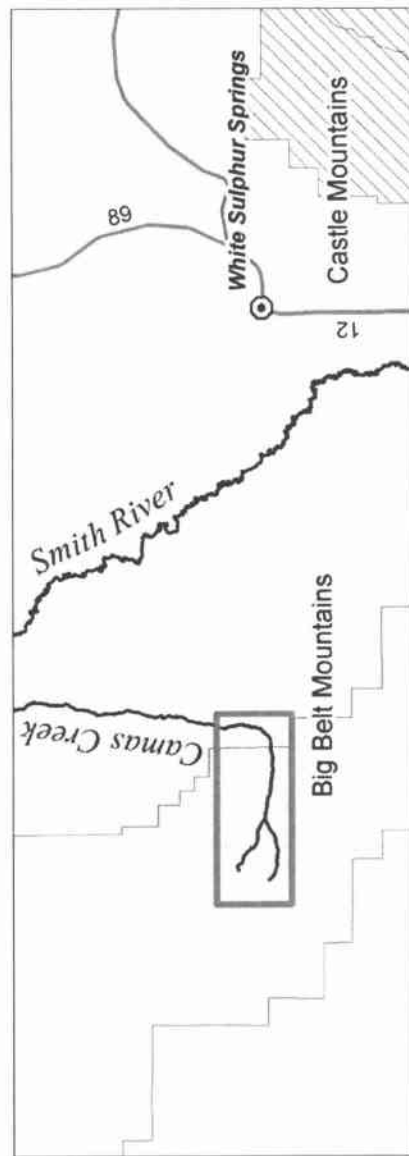
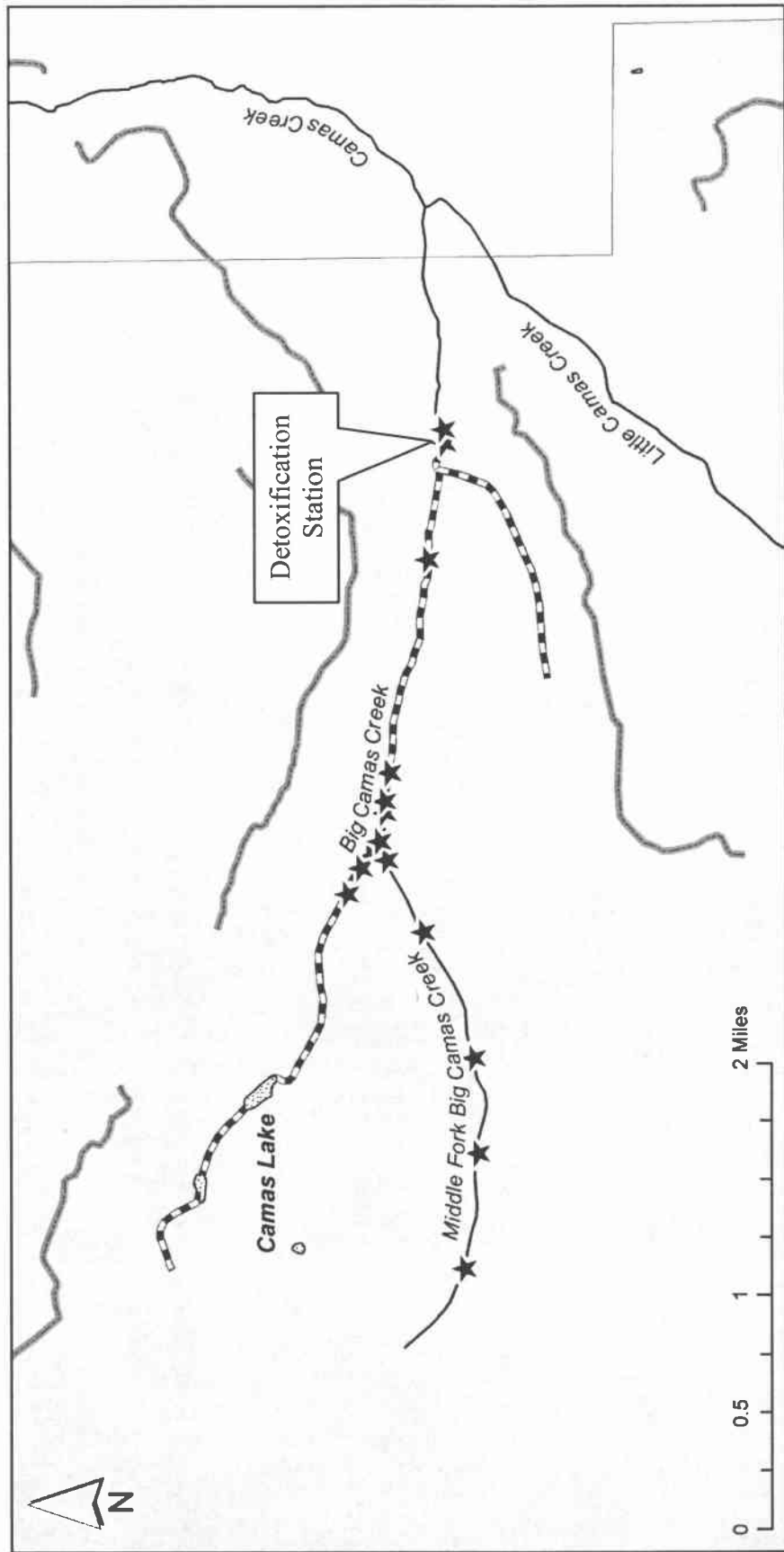
[http://fwp.mt.gov/news/publicNotices/environmentalAssessments/speciesRemovalAndRelocation/pn\\_0063.html](http://fwp.mt.gov/news/publicNotices/environmentalAssessments/speciesRemovalAndRelocation/pn_0063.html)

Sincerely,



George Liknes

Regional Fisheries Manager – Montana Fish, Wildlife & Parks



- Roads
- ★ Natural Fish Barriers
- - - Proposed Treatment Area
- Lewis and Clark National Forest
- Helena National Forest







Montana Department of  
**ENVIRONMENTAL QUALITY**

Steve Bullock, Governor  
Tracy Stone-Manning, Director

P. O. Box 200901

Helena, MT 59620-0901

(406) 444-2544

Website: [www.deq.mt.gov](http://www.deq.mt.gov)

**PUBLIC NOTICE NO. MT-13-17**

**July 8, 2013**

**PURPOSE OF PUBLIC NOTICE**

The purpose of this notice is to state the Department's intention to issue a wastewater discharge permit to the facility listed in this notice. This permit is issued by the Department under the authority of 75-5-402, Montana Code Annotated (MCA) and the Administrative Rules of Montana 17.30.1001 et seq., Montana Ground Water Pollution Control System (MGWPCS). The Water Protection Bureau has prepared a draft permit for the facility listed below. Copies of the draft permit, statement of basis, and environmental assessment are available upon request from the Water Protection Bureau or on the Department's website [www.deq.mt.gov](http://www.deq.mt.gov)

**APPLICANT INFORMATION**

APPLICANT: Gallatin Gateway County Water & Sewer District

FACILITY NAME: Gallatin Gateway County Water & Sewer District

FACILITY LOCATION: Tract 1B1 of Minor Subdivision 309A  
Gallatin Gateway, Montana 59730  
Section 11, Township 3 South, Range 4 East  
Gallatin County

RECEIVING WATER: Outfall 001: Class I Ground Water

PERMIT NUMBER: MTX000229

The proposed Montana Ground Water Pollution Control System (MGWPCS) permit authorizes Gallatin Gateway County Water & Sewer District to discharge domestic wastewater from the proposed Gallatin Gateway wastewater treatment system to ground water.

The proposed wastewater treatment system would collect and treat domestic wastewater from existing residential and non-residential sources. The plans include primary treatment in one (1) septic tank followed by a recirculating trickling filter. The treated effluent would then be pressure-dosed into an adjacent subsurface drainfield.

The receiving water for the proposed discharge structure (Outfall 001) is shallow Class I ground water as defined in ARM 17.30.1006. The drainfield associated with Outfall 001 is located:



- Southeast  $\frac{1}{4}$  of Section 11, Township 3 South, Range 4 East;
- $45^{\circ} 35' 7''$  North Latitude and  $-111^{\circ} 11' 43''$  West Longitude.

**PUBLIC COMMENT**

Public comments are invited **ANYTIME PRIOR TO CLOSE OF BUSINESS August 8, 2013.**

Comments may be directed to the DEQ Permitting & Compliance Division, Water Protection Bureau, PO Box 200901, Helena, MT 59620. All comments received or postmarked **PRIOR TO CLOSE OF BUSINESS August 8, 2013** will be considered in the formulation of final determinations to be imposed on the permit. If you wish to comment electronically, you may e-mail David Dunbar or Barb Sharpe at [WPBPublicNotices@mt.gov](mailto:WPBPublicNotices@mt.gov).

During the public comment period provided by the notice, the Department will accept requests for a public hearing. A request for a public hearing must be in writing and must state the nature of the issue proposed to be raised in the hearing (ARM 17.30.1024).

The Department will respond to all substantive comments and issue a final decision within sixty days of this notice or as soon as possible thereafter. Additional information may be obtained upon request by calling (406) 444-3080 or by writing to the aforementioned address. The complete administrative record, including permit application and other pertinent information, is maintained at the Water Protection Bureau office in Helena and is available for review during business hours.

**PUBLIC NOTICE NO. MT-13-17**

**July 8, 2013**



Montana Department of  
**ENVIRONMENTAL QUALITY**

Steve Bullock, Governor  
Tracy Stone-Manning, Director

P. O. Box 200901

Helena, MT 59620-0901

(406) 444-2544

Website: [www.deq.mt.gov](http://www.deq.mt.gov)

**PUBLIC NOTICE NO. MT-13-18**

**July 8, 2013**

PURPOSE OF PUBLIC NOTICE

The purpose of this notice is to state the Department's intention to issue a wastewater discharge permit to the facility listed in this notice. This permit is issued by the Department under the authority of 75-5-402, Montana Code Annotated (MCA); the Administrative Rules of Montana (ARM) 17.30.1301 *et seq.*, Montana Pollutant Discharge Elimination System (MPDES); and Sections 402 and 303 of the Federal Clean Water Act. The Water Protection Bureau has prepared a draft permit for the facility listed below. Copies of the draft permit, statement of basis, and environmental assessment are available upon request from the Water Protection Bureau or on the Department's website [www.deq.mt.gov](http://www.deq.mt.gov).

APPLICANT INFORMATION

APPLICANT:	ConocoPhillips Company
FACILITY NAME:	ConocoPhillips Billings Refinery
FACILITY LOCATION:	401 S. 23 <sup>rd</sup> St. Billings, MT 59107
COUNTY	Yellowstone
RECEIVING WATER:	Yegen Drain and Yellowstone River
PERMIT NUMBER:	MT0000256

This is a major modification of the MPDES permit for the ConocoPhillips Billings Refinery. The modification adds one outfall for the direct discharge of the refinery's process wastewater to the Yellowstone River. The modification includes new water quality based effluent limits for arsenic and selenium, and requires extensive monitoring and whole effluent toxicity testing. Monitoring of the effluent, via the new outfall, is required prior to mixing with the Yellowstone River.

On September 21, 2000, a U.S. District Judge issued an order stating that until all necessary total maximum daily loads (TMDLs) under Section 303(d) of the Clean Water Act are established for a particular water quality limited segment, the State is not to issue any new permits or increase permitted discharges under the MPDES program. The order was issued in the lawsuit *Friends of the Wild Swan v. U.S. EPA, et al.*, CV 97-35-M-DWM, District of



Montana, Missoula Division. The DEQ finds that the issuance of this proposed permit does not conflict with the order because it is not a new permit and because the proposed discharge is downstream of the existing refinery discharge via the Yegen Drain. Therefore, the permit does not allow any increase in the pollutant load to the Yellowstone River.

#### PUBLIC COMMENT

Public comments are invited ANYTIME PRIOR TO CLOSE OF BUSINESS August 8, 2013.

Comments may be directed to the DEQ Permitting & Compliance Division, Water Protection Bureau, PO Box 200901, Helena, MT 59620. All comments received or postmarked PRIOR TO CLOSE OF BUSINESS August 8, 2013 will be considered in the formulation of final determinations to be imposed on the permits. If you wish to comment electronically, you may e-mail David Dunbar or Barb Sharpe at [WPBPublicNotices@mt.gov](mailto:WPBPublicNotices@mt.gov).

During the public comment period provided by the notice, the Department will accept requests for a public hearing. A request for a public hearing must be in writing and must state the nature of the issue proposed to be raised in the hearing (ARM 17.30.1373).

The Department will respond to all substantive comments and issue a final decision within sixty days of this notice or as soon as possible thereafter. Additional information may be obtained upon request by calling (406) 444-3080 or by writing to the aforementioned address. The complete administrative record, including permit application and other pertinent information, is maintained at the Water Protection Bureau office in Helena and is available for review during business hours.

**PUBLIC NOTICE NO. MT-13-18**

**July 8, 2013**

